IC 4

TITLE 4. STATE OFFICES AND ADMINISTRATION

IC 4-1

ARTICLE 1. MISCELLANEOUS PROVISIONS

IC 4-1-1

Chapter 1. Fiscal Year; Filing of Annual Reports to Governor

IC 4-1-1-1

Dates beginning and ending

Sec. 1. The fiscal year for the state of Indiana be, and the same is hereby fixed to begin with the first day of July in each year and to end with the thirtieth day of June of the succeeding year.

(Formerly: Acts 1933, c.33, s.1.)

IC 4-1-1-2

Reports to governor

Sec. 2. Wherever it is now provided by law that any officer, board, commission, department, institution, association, service, agency, or undertaking of state government shall file an annual report with the governor, such report shall be filed covering the fiscal year beginning July 1, and ending June 30, as herein provided for, and such report shall be filed on or before September 1 of each year; Provided, That such reports to be filed during the calendar year of 1933, shall cover the period from October 1, 1932, to June 30, 1933, and shall be filed on or before September 1, 1933.

(Formerly: Acts 1933, c.33, s.3.)

IC 4-1-2

Chapter 2. Office Hours; Employees' Hours of Work

IC 4-1-2-1

State employees; working day; holidays; state library

Sec. 1. It is the intent of this chapter that state offices be open and able to conduct public business at all times during an eight and one-half (8 1/2) hour working day. Each employee shall work for a full seven and one-half (7 1/2) hours each working day and provision for a one (1) hour lunch period shall be provided each employee. Lunch hours of employees shall be staggered to permit the conduct of business at all times during a working day. Breaks shall be provided as set forth in IC 5-10-6-2. It shall be lawful for state offices to close their doors for business from the close of the working day each Friday or in the event Friday is a legal holiday, then from the close of the working day on the Thursday which immediately precedes such legal holiday, until the commencement of the working day on the next following Monday, or in the event Monday is a legal holiday, then until the commencement of the working day on the Tuesday which immediately follows such legal holiday; provided, however, that the state library may be kept open until noon Saturdays in the discretion of the Indiana library and historical board.

(Formerly: Acts 1953, c.133, s.1.) As amended by P.L.5-1984, SEC.1; P.L.13-2008, SEC.1.

IC 4-1-2-2

Legal action on days state offices closed

Sec. 2. Legal action required to be taken at state offices during the time said offices are closed pursuant to the provisions of this chapter can be taken on the next following day said offices are open pursuant to the provisions of this chapter to the same effect as if this chapter had not become law.

(Formerly: Acts 1953, c.133, s.2.) As amended by P.L.5-1984, SEC.2.

IC 4-1-2-3

Supreme court; court of appeals; rules for conduct of business

Sec. 3. Nothing in this chapter contained shall be construed to affect the business of the supreme court or court of appeals of the state of Indiana as regulated by rule or law.

(Formerly: Acts 1953, c.133, s.3.) As amended by P.L.5-1984, SEC.3.

IC 4-1-3

Chapter 3. State Government Relocation; Enemy Attack

IC 4-1-3-1

Governor's duties; general assembly establishing location

Sec. 1. Whenever, due to any emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient, or impossible to conduct the affairs of state government at the normal location of the seat of state government in Indianapolis, Marion County, state of Indiana, the governor shall, as often as the exigencies of the situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at the place, or places, within or without this state as the governor may deem advisable under the circumstances, and shall take action and issue orders as may be necessary for an orderly transition of the affairs of state government to the emergency temporary location, or locations. The emergency temporary location, or locations, shall remain as the seat of government until the general assembly shall by law establish a new location, or locations, or until the emergency is declared to be ended by the governor and the seat of government is returned to its normal location.

(Formerly: Acts 1959, c.199, s.1.) As amended by P.L.215-2016, SEC.1.

IC 4-1-3-2

Validity of official acts performed at temporary emergency location

Sec. 2. During such time as the seat of government remains at such emergency temporary location, or locations, all official acts now or hereafter required to be performed at the seat of government by any officer, agency, department or authority of this state, including the convening and meeting of the general assembly in regular or special session, shall be as valid and binding when performed at such emergency temporary location, or locations, as if performed at the normal location of the seat of government.

(Formerly: Acts 1959, c.199, s.2.)

IC 4-1-3-3

Conflicting laws

Sec. 3. This chapter shall control and be supreme in the event it shall be employed notwithstanding the provisions of any other law to the contrary or in conflict with this chapter.

(Formerly: Acts 1959, c.199, s.3.) As amended by P.L.5-1984, SEC.4.

IC 4-1-4

Chapter 4. Local Government Office Relocation; Enemy Attack

IC 4-1-4-1

"Political subdivision"

Sec. 1. As used in this chapter, the term "political subdivision" shall mean any county, township, city, and town.

(Formerly: Acts 1961, c.140, s.1.) As amended by P.L.5-1984, SEC.5.

IC 4-1-4-2

Location; establishment by ordinances and resolutions

Sec. 2. Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the governing body of any political subdivision of this state may meet at any place within or without the territorial limits of such political subdivision on the call of the presiding officer or any two (2) members of such governing body, and shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary location, or locations, of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of such political subdivision and may be within or without this state.

(Formerly: Acts 1961, c.140, s.2.)

IC 4-1-4-3

Powers of governing bodies; exercise without regard to formalities; validity of acts

Sec. 3. During the period when the public business is being conducted at the emergency temporary location, or locations, the governing body and other officers of a political subdivision of this state shall have and possess and shall exercise, at any such temporary location, all of the executive, legislative and judicial powers and functions conferred upon such body and officers by or under the laws of this state. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time consuming procedures and formalities prescribed by law and pertaining thereto, and all acts of such body and officers shall be as valid and binding as if performed within the territorial limits of their political subdivision.

(Formerly: Acts 1961, c.140, s.3.)

IC 4-1-4-4

Conflicting laws

Sec. 4. This chapter shall control and be supreme in the event it shall be employed notwithstanding any provision of a statute or ordinance to the contrary or in conflict with this chapter.
(Formerly: Acts 1961, c.140, s.4.) As amended by P.L.5-1984, SEC.6.

IC 4-1-5
Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 4-1-6

Chapter 6. Fair Information Practices; Privacy of Personal Information

IC 4-1-6-1

Definitions

Sec. 1. As used in this chapter, the term:

(a) "Personal information system" means any recordkeeping process, whether automated or manual, containing personal information and the name, personal number, or other identifying particulars of a data subject.

(b) "Personal information" means any information that describes, locates, or indexes anything about an individual or that affords a basis for inferring personal characteristics about an individual including, but not limited to, the individual's education, financial transactions, medical history, criminal or employment records, finger and voice prints, photographs, or the individual's presence, registration, or membership in an organization or activity or admission to an institution.

(c) "Data subject" means an individual about whom personal information is indexed or may be located under the individual's name, personal number, or other identifiable particulars, in a personal information system.

(d) "State agency" means every agency, board, commission, department, bureau, or other entity of the administrative branch of Indiana state government, except those which are the responsibility of the auditor of state, treasurer of state, secretary of state, attorney general, superintendent of public instruction, and excepting the department of state police and state educational institutions.

(e) "Confidential" means information which has been so designated by statute or by promulgated rule or regulation based on statutory authority.

As added by Acts 1977, P.L.21, SEC.1. Amended by Acts 1978, P.L.10, SEC.1; P.L.19-1983, SEC.1; P.L.2-2007, SEC.17; P.L.215-2016, SEC.2.

IC 4-1-6-2

Personal information system

Sec. 2. Any state agency maintaining a personal information system shall:

(a) collect, maintain, and use only that personal information as is relevant and necessary to accomplish a statutory purpose of the agency;

(b) collect information to the greatest extent practicable from the data subject directly when the information may result in adverse determinations about an individual's rights, benefits and privileges under federal or state programs;

(c) collect no personal information concerning in any way the

political or religious beliefs, affiliations and activities of an individual unless expressly authorized by law or by a rule promulgated by the oversight committee on public records pursuant to IC 4-22-2;

(d) assure that personal information maintained or disseminated from the system is, to the maximum extent possible, accurate, complete, timely, and relevant to the needs of the state agency;

(e) inform any individual requested to disclose personal information whether that disclosure is mandatory or voluntary, by what statutory authority it is solicited, what uses the agency will make of it, what penalties and specific consequences for the individual, which are known to the agency, are likely to result from nondisclosure, whether the information will be treated as a matter of public record or as confidential information, and what rules of confidentiality will govern the information;

(f) insofar as possible segregate information of a confidential nature from that which is a matter of public record; and, pursuant to statutory authority, establish confidentiality requirements and appropriate access controls for all categories of personal information contained in the system;

(g) maintain a list of all persons or organizations having regular access to personal information which is not a matter of public record in the information system;

(h) maintain a complete and accurate record of every access to personal information in a system which is not a matter of public record by any person or organization not having regular access authority;

(i) refrain from preparing lists of the names and addresses of individuals for commercial or charitable solicitation purposes except as expressly authorized by law or by a rule promulgated by the oversight committee on public records pursuant to IC 4-22-2;

(j) make reasonable efforts to furnish prior notice to an individual before any personal information on such individual is made available to any person under compulsory legal process;

(k) establish rules and procedures to assure compliance with this chapter and instruct each of its employees having any responsibility or function in the design, development, operation or maintenance of such system or use of any personal information contained therein of each requirement of this chapter and of each rule and procedure adopted by the agency to assure compliance with this chapter;

(l) establish appropriate administrative, technical and physical safeguards to insure the security of the information system and to protect against any anticipated threats or hazards to their security or integrity; and

(m) exchange with other agencies official personal information that it has collected in the pursuit of statutory functions when:

(i) the information is requested for purposes authorized by law including a rule promulgated pursuant to IC 4-22-2;

(ii) the data subject would reasonably be expected to benefit from the action for which information is requested;

(iii) the exchange would eliminate an unnecessary and expensive duplication in data collection and would not tangibly, adversely affect the data subject; or

(iv) the exchange of information would facilitate the submission of documentation required for various state agencies and departments to receive federal funding reimbursement for programs which are being administered by the agencies and departments.

As added by Acts 1977, P.L.21, SEC.1. Amended by Acts 1978, P.L.10, SEC.2; Acts 1979, P.L.40, SEC.3.

IC 4-1-6-3

Right of inspection by data subject or agent; document search and duplication; standard charges

Sec. 3. Unless otherwise prohibited by law, any state agency that maintains a personal information system shall, upon request and proper identification of any data subject, or a data subject's authorized agent, grant the subject or agent the right to inspect and to receive at reasonable, standard charges for document search and duplication, in a form comprehensible to the subject or agent:

(a) all personal information about the data subject, unless otherwise provided by statute, whether the information is a matter of public record or maintained on a confidential basis, except in the case of medical and psychological records, where the records shall, upon written authorization of the data subject, be given to a physician or psychologist designated by the data subject;

(b) the nature and sources of the personal information, except where the confidentiality of the sources is required by statute; and

(c) the names and addresses of any recipients, other than those with regular access authority, of personal information of a confidential nature about the data subject, and the date, nature, and purpose of the disclosure.

As added by Acts 1977, P.L.21, SEC.1. Amended by P.L.215-2016, SEC.3.

IC 4-1-6-4

Disclosures limited to business hours; standard charges

Sec. 4. An agency shall make the disclosures to data subjects required under this chapter during regular business hours. Copies of the documents containing the personal information sought by the data subject shall be furnished to the data subject or the data subject's representative at reasonable, standard charges for document search and duplication.

As added by Acts 1977, P.L.21, SEC.1. Amended by P.L.215-2016, SEC.4.

IC 4-1-6-5

Challenge of information by data subject; notice; minimum procedures

Sec. 5. If the data subject gives notice that the data subject wishes to challenge, correct, or explain information about the data subject in the personal information system, the following minimum procedures shall be followed:

(a) the agency maintaining the information system shall investigate and record the current status of that personal information;

(b) if, after the investigation, the information is found to be incomplete, inaccurate, not pertinent, not timely or not necessary to be retained, it shall be promptly corrected or deleted;

(c) if the investigation does not resolve the dispute, the data subject may file a statement of not more than two hundred (200) words setting forth the data subject's position;

(d) whenever a statement of dispute is filed, the agency maintaining the data system shall supply any previous recipient with a copy of the statement and, in any subsequent dissemination or use of the information in question, clearly mark that it is disputed and supply the statement of the data subject along with the information;

(e) the agency maintaining the information system shall clearly and conspicuously disclose to the data subject the data subject's rights to make a request;

(f) following any correction or deletion of personal information the agency shall, at the request of the data subject, furnish to past recipients notification delivered to their last known address that the item has been deleted or corrected and shall require the recipients to acknowledge receipt of the notification and furnish the data subject the names and last known addresses of all past recipients of the uncorrected or undeleted information.

As added by Acts 1977, P.L.21, SEC.1. Amended by P.L.215-2016, SEC.5.

IC 4-1-6-6

Securing of confidential information protected

Sec. 6. The securing by any individual of any confidential information which such individuals may obtain through the exercise of any right secured under the provisions of this chapter shall not condition the granting or withholding of any right, privilege, or benefit, or be made a condition of employment.

As added by Acts 1977, P.L.21, SEC.1.

IC 4-1-6-7

State agencies maintaining one or more systems; requirements

Sec. 7. (a) Any state agency maintaining one (1) or more personal information systems shall file an annual report on the existence and character of each system added or eliminated since the last report with the governor on or before December 31.

(b) The agency shall include in such report at least the following information:

(1) The name or descriptive title of the personal information system and its location.

(2) The nature and purpose of the system and the statutory or administrative authority for its establishment.

(3) The categories of individuals on whom personal information is maintained including the approximate number of all individuals on whom information is maintained and the categories of personal information generally maintained in the system including identification of those which are stored in computer accessible records and those which are maintained manually.

(4) All confidentiality requirements, specifically:

(A) those personal information systems or parts thereof which are maintained on a confidential basis pursuant to a statute, contractual obligation, or rule; and

(B) those personal information systems maintained on an unrestricted basis.

(5) In the case of subdivision (4)(A) of this subsection, the agency shall include detailed justification of the need for statutory or regulatory authority to maintain such personal information systems or parts thereof on a confidential basis and, in making such justification, the agency shall make reference to section 8 of this chapter.

(6) The categories of sources of such personal information.

(7) The agency's policies and practices regarding the implementation of section 2 of this chapter relating to information storage, duration of retention of information, and elimination of information from the system.

(8) The uses made by the agency of personal information contained in the system.

(9) The identity of agency personnel, other agencies, and persons or categories of persons to whom disclosures of personal information are made or to whom access to the system may be granted, together with the purposes therefor and the restriction, if any, on such disclosures and access, including any restrictions on redisclosure.

(10) A listing identifying all forms used in the collection of personal information.

(11) The name, title, business address, and telephone number of the person immediately responsible for bringing and keeping the system in compliance with the provisions of this chapter.

As added by Acts 1977, P.L.21, SEC.1. Amended by Acts 1978, P.L.10, SEC.3; P.L.19-1983, SEC.2.

IC 4-1-6-8

Policy of access; restricted access as condition for receipt of

donated materials

Sec. 8. (a) All state agencies subject to the provisions of this chapter shall adhere to the policy that all persons are entitled to access to information regarding the affairs of government and the official acts of those who represent them as public servants, such access being required to enable the people to freely and fully discuss all matters necessary for the making of political judgments. To that end, the provisions of this chapter shall be construed to provide access to public records to the extent consistent with the due protection of individual privacy.

(b) Where such assurance is needed to obtain valuable considerations or gifts (which may include information) for the state, any agency, with the prior written approval of the oversight committee on public records, may allow restrictions upon public access to be imposed upon it as a specific condition of a contract, with a time limit not to exceed fifty (50) years or the lifetime of the individual, whichever is less. In order to promote the preservation of historical, cultural, natural, and other irreplaceable resources, the department of natural resources or the Indiana state library may extend, beyond the lifetime of the individual, restrictions upon disclosure of information received, providing that such restrictions do not exceed fifty (50) years from the date of the donation in the case of the Indiana state library.

As added by Acts 1977, P.L.21, SEC.1. Amended by Acts 1978, P.L.10, SEC.4; Acts 1979, P.L.40, SEC.4; P.L.19-1983, SEC.3.

IC 4-1-6-8.5

Consistent handling of information among and between agencies; principles and procedures

Sec. 8.5. In order to establish consistent handling of the same or similar personal information within and among agencies, each state agency collecting, maintaining, or transmitting such information shall apply the following principles and procedures:

(1) Information collected after December 31, 1978, which is classified as confidential must be clearly and uniformly designated as confidential in any form or other document in which it appears.

(2) When an agency which holds information classified as confidential disseminates that information to another agency, the receiving agency shall treat it in the same manner as the originating agency.

As added by Acts 1978, P.L.10, SEC.5. Amended by P.L.19-1983, SEC.4.

IC 4-1-6-8.6

Requests for access to confidential records; improper disclosure; actions

Sec. 8.6. (a) In cases where access to confidential records

containing personal information is desired for research purposes, the agency shall grant access if:

(1) the requestor states in writing to the agency the purpose, including any intent to publish findings, the nature of the data sought, what personal information will be required, and what safeguards will be taken to protect the identity of the data subjects;

(2) the proposed safeguards are adequate to prevent the identity of an individual data subject from being known;

(3) the researcher executes an agreement on a form, approved by the oversight committee on public records, with the agency, which incorporates such safeguards for protection of individual data subjects, defines the scope of the research project, and informs the researcher that failure to abide by conditions of the approved agreement constitutes a breach of contract and could result in civil litigation by the data subject or subjects;

(4) the researcher agrees to pay all direct or indirect costs of the research; and

(5) the agency maintains a copy of the agreement or contract for a period equivalent to the life of the record.

(b) Improper disclosure of confidential information by a state employee is cause for action to dismiss the employee.

As added by Acts 1978, P.L.10, SEC.6. Amended by Acts 1979, P.L.40, SEC.5; P.L.19-1983, SEC.5.

IC 4-1-6-9

Annual report to general assembly; specific statutory authorization for confidentiality; recommendations

Sec. 9. (a) Under the authority of the governor, a report shall be prepared, on or before December 1 annually, advising the general assembly of the personal information systems, or parts thereof, of agencies subject to this chapter, which are recommended to be maintained on a confidential basis by specific statutory authorization because their disclosure would constitute an invasion of personal privacy and there is no compelling, demonstrable and overriding public interest in disclosure. Such recommendations may include, but not be limited to, specific personal information systems or parts thereof which can be categorized as follows:

(1) Personal information maintained with respect to students and clients, patients or other individuals receiving social, medical, vocational, supervisory or custodial care or services directly or indirectly from public bodies.

(2) Personal information, excepting salary information, maintained with respect to employees, appointees or elected officials of any public body or applicants for such positions.

(3) Information required of any taxpayer in connection with the assessment or collection of any income tax.

(4) Information revealing the identity of persons who file

complaints with administrative, investigative, law enforcement or penology agencies.

(b) In addition, such report may list records or categories of records, which are recommended to be exempted from public disclosure by specific statutory authorization for reasons other than that their disclosure would constitute an unwarranted invasion of personal privacy, along with justification therefor.

(c) A report described in this section must be in an electronic format under IC 5-14-6.

As added by Acts 1977, P.L.21, SEC.1. Amended by P.L.28-2004, SEC.13.

IC 4-1-7
Repealed

(Repealed, as added by Acts 1977, P.L.22, SEC.1, by Acts 1978, P.L.8, SEC.4.)

(Repealed, as added by Acts 1977, P.L.23, SEC.1, by Acts 1982, P.L.6, SEC.3.)

IC 4-1-7.1

Chapter 7.1. Expiration of Certain Agencies

IC 4-1-7.1-1

"Agency" defined

Sec. 1. "Agency" means any agency, authority, board, bureau, commission, committee, department, division, institution, or other similar unit created or established by act or resolution of the general assembly or by the executive order of an officer of the state; "agency" does not mean a subunit of an agency created by that agency.

As added by Acts 1982, P.L.6, SEC.2.

IC 4-1-7.1-2

Agencies created by resolution

Sec. 2. Every agency created by resolution expires no later than the expiration of the general assembly which created it.

As added by Acts 1982, P.L.6, SEC.2.

IC 4-1-7.1-3

Agencies created by executive order

Sec. 3. Every agency created by executive order expires no later than the date the officer who created it ceases to hold office.

As added by Acts 1982, P.L.6, SEC.2.

IC 4-1-7.1-4

Repealed

(Repealed by P.L.11-1993, SEC.8.)

IC 4-1-7.1-5

Repealed

(As added by P.L.11-1993, SEC.5. Repealed by P.L.2-2005, SEC.131.)

IC 4-1-7.1-6

"Accord"

Sec. 6. (a) For purposes of this section, "Accord" refers to the Midwest Greenhouse Gas Reduction Accord signed on November 15, 2007.

(b) Notwithstanding any other law, rule, or regulation, the participation of the state of Indiana in the Accord in any capacity, including as a signatory or an observer to the Accord, terminates not later than the date on which the elected official who signed the Accord on behalf of the state of Indiana ceases to hold office.

As added by P.L.113-2014, SEC.1.

IC 4-1-8

Chapter 8. State Requests for Social Security Number

IC 4-1-8-1

Prohibition against state agencies requiring individual Social Security numbers; exemptions

Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

(1) Department of state revenue.

(2) Department of workforce development.

(3) The programs administered by:

(A) the division of family resources;

(B) the division of mental health and addiction;

(C) the division of disability and rehabilitative services;

(D) the division of aging; and

(E) the office of Medicaid policy and planning;

of the office of the secretary of family and social services.

(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.

(7) The legislative ethics commission, with respect to the registration of lobbyists.

(8) Indiana department of administration, with respect to bidders on contracts.

(9) Indiana department of transportation, with respect to bidders on contracts.

(10) Indiana professional licensing agency.

(11) Department of insurance, with respect to licensing of insurance producers.

(12) The department of child services.

(13) A pension fund administered by the board of trustees of the Indiana public retirement system.

(14) The state police benefit system.

(15) The alcohol and tobacco commission.

(16) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security

number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(4) That an individual include the individual's Social Security number on an application for a license, a permit, or an identification card.

(c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number:

(A) in any application for a riverboat owner's license, supplier's license, or occupational license; or

(B) in any document submitted to the commission in the course of an investigation necessary to ensure that gaming under IC 4-32.2, IC 4-33, and IC 4-35 is conducted with credibility and integrity.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

As added by Acts 1978, P.L.8, SEC.3. Amended by Acts 1979, P.L.16, SEC.1; Acts 1981, P.L.23, SEC.1; P.L.6-1987, SEC.3; P.L.18-1987, SEC.1; P.L.14-1989, SEC.1; P.L.335-1989(ss), SEC.1; P.L.1-1990, SEC.10; P.L.2-1991, SEC.19; P.L.2-1992, SEC.28; P.L.1-1993, SEC.15; P.L.21-1993, SEC.1; P.L.22-1993, SEC.1; P.L.8-1993, SEC.6; P.L.1-1994, SEC.7; P.L.20-1995, SEC.1; P.L.21-1995, SEC.1; P.L.215-2001, SEC.1; P.L.261-2003, SEC.2; P.L.178-2003, SEC.1; P.L.72-2004, SEC.1; P.L.1-2005, SEC.55; P.L.246-2005, SEC.37; P.L.1-2006, SEC.6; P.L.141-2006, SEC.3; P.L.145-2006, SEC.3; P.L.157-2006, SEC.1; P.L.1-2007, SEC.2; P.L.142-2009,

SEC.1; P.L.35-2012, SEC.13; P.L.85-2013, SEC.1.

IC 4-1-8-2

Forms including request; statement and notification; requisite information; posting

Sec. 2. (a) On any form, application, or other writing prepared by or issued under the authority of any state agency, the following information must be included if the individual is requested to provide the individual's Social Security number:

(1) a brief statement of the reason why the Social Security number is requested by the state agency; and

(2) a notification either:

(A) that the state agency is required by federal law to obtain the individual's Social Security number and that the form or application cannot be processed unless the individual provides the number, if that be the case; or

(B) that the individual has the right to refuse to provide the individual's Social Security number to the agency, if the individual so desires, and that the individual will not be penalized.

(b) In any location where a form, application, or other writing covered in subsection (a) is taken or filled out, there shall be posted in a conspicuous place a sign in bold print containing information identical to that required on the forms required in subsection (a).

As added by Acts 1978, P.L.8, SEC.3. Amended by P.L.215-2016, SEC.6.

IC 4-1-8-3

Forms including request; requisite statement and notification; printing and appendage

Sec. 3. There shall be printed on all forms, applications or other writings which include a request for the social security number produced by or for any state agency on and after January 1, 1978, immediately preceding or following such request, the statement and notification required by section 2 of this chapter. To all forms, applications and other writings which include a request for the social security number already in use, but not yet executed, by a state agency on January 1, 1978, there shall be appended, on or before said date, the statement and notification required by section 2 of this chapter.

As added by Acts 1978, P.L.8, SEC.3.

IC 4-1-8-4

Refusal to provide number; obtaining from other source prohibited

Sec. 4. In any case where an individual shall refuse to provide the individual's Social Security number to a state agency in accordance with the provisions of section 2(a)(2)(B) of this chapter, the state agency to which the individual has made the individual's refusal

known is prohibited from obtaining the Social Security number from any other source.
As added by Acts 1978, P.L.8, SEC.3. Amended by P.L.215-2016, SEC.7.

IC 4-1-8-5
Refusal to provide number; penalty prohibited

Sec. 5. No individual shall be penalized in any manner, by the loss or threat of loss of services or assistance or by the denial or refusal to issue any license or permit, by a state agency for the individual's refusal in accordance with the provisions of section 2(a)(2)(B) of this chapter to provide the individual's Social Security number to the state agency.
As added by Acts 1978, P.L.8, SEC.3. Amended by P.L.215-2016, SEC.8.

IC 4-1-8-6
Removal of Social Security number from agency records; substitute identification number; notice on forms

Sec. 6. Each state agency covered by this chapter shall develop a method under which a person who has previously given the person's Social Security number to the state agency at that person's request may have the number removed from the records of the agency and substitute the new identification number to be used by the person. The notice printed on forms and posted in the office of the agency shall include information on the right of the applicant to remove the applicant's Social Security number from existing records.
As added by Acts 1978, P.L.8, SEC.3. Amended by P.L.215-2016, SEC.9.

IC 4-1-8-7
Exempt agencies to report

Sec. 7. Each state agency, which is exempt under the provisions of section 1 of this chapter, shall prepare a report, on or before January 1 annually, to the general assembly setting forth any form, application, or other writing required or maintained by it which contains the social security number of any individual. Such report shall also set forth the reason or rationale for requiring such social security number. The report must be in an electronic format under IC 5-14-6.
As added by Acts 1978, P.L.8, SEC.3. Amended by P.L.28-2004, SEC.14.

IC 4-1-9

Chapter 9. Background Check of Employees of Bodies Corporate and Politic

IC 4-1-9-1

Application

Sec. 1. This chapter applies only to a body corporate and politic.

As added by P.L.261-2003, SEC.3.

IC 4-1-9-2

Application

Sec. 2. This chapter does not apply to a political subdivision.

As added by P.L.261-2003, SEC.3.

IC 4-1-9-3

Policy required

Sec. 3. A body corporate and politic shall establish a policy for conducting background checks of persons for purposes of employment with the body corporate and politic.

As added by P.L.261-2003, SEC.3.

IC 4-1-9-4

Policy not less stringent than state personnel department policy

Sec. 4. A policy adopted under this chapter may not be less stringent than a background check policy implemented by the state personnel department for employment with a state agency that is subject to the jurisdiction of the state personnel department.

As added by P.L.261-2003, SEC.3.

IC 4-1-10

Chapter 10. Release of Social Security Number

IC 4-1-10-1

Applicability

Sec. 1. This chapter applies after June 30, 2006.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-1.5

"Person"

Sec. 1.5. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or other legal entity.

As added by P.L.160-2007, SEC.1.

IC 4-1-10-2

"State agency"

Sec. 2. As used in this chapter, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of the executive, including the administrative, department of state government. Except as provided in subdivision (4), the term does not include the judicial or legislative department of state government. The term includes the following:

(1) A state elected official's office.

(2) A state educational institution.

(3) A body corporate and politic of the state created by state statute.

(4) The Indiana lobby registration commission established by IC 2-7-1.6-1.

As added by P.L.91-2005, SEC.1. Amended by P.L.2-2007, SEC.18.

IC 4-1-10-3

Nondisclosure of Social Security number

Sec. 3. (a) For purposes of this section, disclosure of the last four (4) digits of an individual's Social Security number is not a disclosure of the individual's Social Security number.

(b) Except as provided in section 4 or 5 of this chapter, a state agency may not disclose an individual's Social Security number.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-4

Exceptions to nondisclosures of Social Security number

Sec. 4. Unless prohibited by state law, federal law, or court order, the following apply:

(1) A state agency may disclose the Social Security number of an individual to a state, local, or federal agency.

(2) A state law enforcement agency may, for purposes of

furthering an investigation, disclose the Social Security number of an individual to any individual, state, local, or federal agency, or other legal entity.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-5

Permitted disclosures of Social Security number

Sec. 5. (a) A state agency may disclose the Social Security number of an individual if any of the following apply:

(1) The disclosure of the Social Security number is expressly required by state law, federal law, or a court order.

(2) The individual expressly consents in writing to the disclosure of the individual's Social Security number.

(3) The disclosure of the Social Security number is:

(A) made to comply with:

(i) the USA Patriot Act of 2001 (P.L. 107-56); or

(ii) Presidential Executive Order 13224; or

(B) to a commercial entity for the permissible uses set forth in the:

(i) Drivers Privacy Protection Act (18 U.S.C. 2721 et seq.);

(ii) Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or

(iii) Financial Modernization Act of 1999 (15 U.S.C. 6801 et seq.).

(4) The disclosure of the Social Security number is for the purpose of administration of a state agency employee's or the state agency employee's dependent's health benefits.

(5) The disclosure of the Social Security number is for the purpose of administration of:

(A) a pension fund administered by the board of trustees of the Indiana public retirement system;

(B) a deferred compensation plan or defined contribution plan established under IC 5-10-1.1;

(C) a pension plan established by the state police department under IC 10-12;

(D) the Uniform Commercial Code (IC 26-1) by the office of the secretary of state; or

(E) Title IV-D of the federal Social Security Act.

(b) A state agency's disclosure of the Social Security number of an individual in compliance with subsection (a) does not violate IC 5-14-3-4(a)(12).

As added by P.L.91-2005, SEC.1. Amended by P.L.29-2006, SEC.1; P.L.106-2008, SEC.1; P.L.35-2012, SEC.14; P.L.128-2012, SEC.1.

IC 4-1-10-5.5

Disclosure of Social Security number by state educational institution

Sec. 5.5. Unless prohibited by state law, federal law, or a court

order, the following apply:

(1) A state educational institution may disclose, in addition to the disclosures otherwise permitted by this chapter, a Social Security number of an individual to the following:

(A) A state, local, or federal agency or a person with whom a state, local, or federal agency has a contract to perform the agency's duties and responsibilities.

(B) A person that the state educational institution contracts with to provide goods or services to the state educational institution if:

(i) the disclosure is necessary for the contractor to perform the contractor's duties and responsibilities under the contract; and

(ii) the contract requires adequate safeguards, including any safeguards required by state or federal law, to prevent any use or disclosure of the Social Security numbers for any purpose other than those purposes described in the contract and to require the return or confirmed destruction of any Social Security numbers following termination of the contractual relationship.

(C) Persons to whom the state educational institution may otherwise legally disclose for the permissible purposes of the following:

(i) The Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

(ii) The Health Insurance Portability and Accountability Act (42 U.S.C. 201 et seq.).

(D) The state educational institution's legal counsel, but only to the extent that a state educational institution could disclose a Social Security number to an in-house counsel.

(2) Consent for the authorized disclosure of any individual's Social Security number may be given to a state educational institution by electronic transmission if the state educational institution is reasonably able to verify the authenticity of the consent. A state educational institution may rely on the written consent of an individual given to a third party if the consent expressly permits the disclosure of the individual's Social Security number by the state educational institution.

As added by P.L.160-2007, SEC.2.

IC 4-1-10-6

State agency compliance

Sec. 6. A state agency complies with section 3 of this chapter if the agency:

(1) removes; or

(2) completely and permanently obscures;

a Social Security number on a public record before disclosing the public record.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-7
Impermissible disclosure of Social Security number; required notice

Sec. 7. If a state agency releases a Social Security number in violation of this chapter, the agency shall provide notice to the person whose Social Security number was disclosed in the manner set forth in IC 4-1-11.
As added by P.L.91-2005, SEC.1.

IC 4-1-10-8
Criminal disclosures of Social Security number; Level 6 felony

Sec. 8. An employee of a state agency who knowingly, intentionally, or recklessly discloses a Social Security number in violation of this chapter commits a Level 6 felony.
As added by P.L.91-2005, SEC.1. Amended by P.L.158-2013, SEC.57.

IC 4-1-10-9
False representation to obtain Social Security number; Level 6 felony

Sec. 9. A person who knowingly, intentionally, or recklessly makes a false representation to a state agency to obtain a Social Security number from the state agency commits a Level 6 felony.
As added by P.L.91-2005, SEC.1. Amended by P.L.158-2013, SEC.58.

IC 4-1-10-10
Negligent disclosure of Social Security number; Class A infraction

Sec. 10. An employee of a state agency who negligently discloses a Social Security number in violation of this chapter commits a Class A infraction.
As added by P.L.91-2005, SEC.1.

IC 4-1-10-11
Attorney general investigation of disclosures; notice to county prosecutor and state police

Sec. 11. (a) The attorney general may investigate any allegation that a Social Security number was disclosed in violation of this chapter.

(b) If the attorney general determines that there is evidence that a state employee committed a criminal act under section 8 or 9 of this chapter, the attorney general shall report the attorney general's findings to:

(1) the prosecuting attorney in the county where the criminal act occurred; and
(2) the state police department.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-12
Attorney general determination of infraction; report to appointing authority and county prosecutor

Sec. 12. If the attorney general determines that there is evidence that a state employee committed an infraction under section 10 of this chapter, the attorney general:

(1) shall report the attorney general's findings to the appointing authority (as defined in IC 4-2-6-1) of the agency that employs the employee; and

(2) may report the attorney general's findings to the local prosecuting attorney in the county where the infraction occurred.

As added by P.L.91-2005, SEC.1.

IC 4-1-10-13
Attorney general rulemaking authority

Sec. 13. The attorney general may adopt rules under IC 4-22-2 that the attorney general considers necessary to carry out this chapter.

As added by P.L.91-2005, SEC.1.

IC 4-1-11

Chapter 11. Notice of Security Breach

IC 4-1-11-1

Applicability

Sec. 1. This chapter applies after June 30, 2006.

As added by P.L.91-2005, SEC.2.

IC 4-1-11-2

"Breach of the security of the system"

Sec. 2. (a) As used in this chapter, "breach of the security of the system" means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by a state or local agency.

(b) The term does not include the following:

(1) Good faith acquisition of personal information by an agency or employee of the agency for purposes of the agency, if the personal information is not used or subject to further unauthorized disclosure.

(2) Unauthorized acquisition of a portable electronic device on which personal information is stored if access to the device is protected by a password that has not been disclosed.

As added by P.L.91-2005, SEC.2.

IC 4-1-11-3

"Personal information"

Sec. 3. (a) As used in this chapter, "personal information" means:

(1) an individual's:

(A) first name and last name; or

(B) first initial and last name; and

(2) at least one (1) of the following data elements:

(A) Social Security number.

(B) Driver's license number or identification card number.

(C) Account number, credit card number, debit card number, security code, access code, or password of an individual's financial account.

(b) The term does not include the following:

(1) The last four (4) digits of an individual's Social Security number.

(2) Publicly available information that is lawfully made available to the public from records of a federal agency or local agency.

As added by P.L.91-2005, SEC.2.

IC 4-1-11-4

"State agency"

Sec. 4. As used in this section "state agency" has the meaning set forth in IC 4-1-10-2.

As added by P.L.91-2005, SEC.2.

IC 4-1-11-5
Disclosures of security breach

Sec. 5. (a) Any state agency that owns or licenses computerized data that includes personal information shall disclose a breach of the security of the system following discovery or notification of the breach to any state resident whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person.

(b) The disclosure of a breach of the security of the system shall be made:

(1) without unreasonable delay; and

(2) consistent with:

(A) the legitimate needs of law enforcement, as described in section 7 of this chapter; and

(B) any measures necessary to:

(i) determine the scope of the breach; and

(ii) restore the reasonable integrity of the data system.

As added by P.L.91-2005, SEC.2.

IC 4-1-11-6
Notification to third party owner of security breach

Sec. 6. (a) This section applies to a state agency that maintains computerized data that includes personal information that the state agency does not own.

(b) If personal information was or is reasonably believed to have been acquired by an unauthorized person, the state agency shall notify the owner or licensee of the information of a breach of the security of the system immediately following discovery. The agency shall provide the notice to state residents as required under section 5 of this chapter.

As added by P.L.91-2005, SEC.2.

IC 4-1-11-7
Time requirement for notification

Sec. 7. The notification required by this chapter:

(1) may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation; and

(2) shall be made after the law enforcement agency determines that it will not compromise the investigation.

As added by P.L.91-2005, SEC.2.

IC 4-1-11-8
Form of notification

Sec. 8. Except as provided in section 9 of this chapter, a state agency may provide the notice required under this chapter:

(1) in writing; or

(2) by electronic mail, if the individual has provided the state agency with the individual's electronic mail address.

As added by P.L.91-2005, SEC.2.

IC 4-1-11-9

Alternate form of notification

Sec. 9. (a) This section applies if a state agency demonstrates that:

(1) the cost of providing the notice required under this chapter is at least two hundred fifty thousand dollars ($250,000);

(2) the number of persons to be notified is at least five hundred thousand (500,000); or

(3) the agency does not have sufficient contact information;

the state agency may use an alternate form of notice set forth in subsection (b).

(b) A state agency may provide the following alternate forms of notice if authorized by subsection (a):

(1) Conspicuous posting of the notice on the state agency's web site if the state agency maintains a web site.

(2) Notification to major statewide media.

As added by P.L.91-2005, SEC.2.

IC 4-1-11-10

Notification to consumer reporting agencies

Sec. 10. If a state agency is required to provide notice under this chapter to more than one thousand (1,000) individuals, the state agency shall notify without unreasonable delay all consumer reporting agencies (as defined in 15 U.S.C. 1681a) of the distribution and content of the notice.

As added by P.L.91-2005, SEC.2. Amended by P.L.1-2006, SEC.7.

IC 4-1-12

Chapter 12. Implementation of the Patient Protection and Affordable Care Act

IC 4-1-12-1

"Patient Protection and Affordable Care Act"

Sec. 1. As used in this chapter, "Patient Protection and Affordable Care Act" refers to the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), as amended from time to time, and regulations or guidance issued under those acts.

As added by P.L.160-2011, SEC.1.

IC 4-1-12-2

"Health plan"

Sec. 2. As used in the chapter, "health plan" means a policy, contract, certificate, or agreement offered or issued:

(1) by an entity that assumes or carries insurance risk; and

(2) to provide, deliver, arrange for, pay for, or reimburse the costs of health care services.

As added by P.L.160-2011, SEC.1.

IC 4-1-12-3

Prohibition on requiring an individual to purchase health plan coverage

Sec. 3. Notwithstanding any other law, a resident of Indiana may not be required to purchase coverage under a health plan. A resident may delegate to the resident's employer the resident's authority to purchase or decline to purchase coverage under a health plan.

As added by P.L.160-2011, SEC.1.

IC 4-1-12-4

Investigation of specified provisions of act; authority to apply for a waiver

Sec. 4. The office of the secretary of family and social services and the department of insurance:

(1) shall investigate; and

(2) may apply for a waiver under;

42 U.S.C. 18052 of the Patient Protection and Affordable Care Act.

As added by P.L.160-2011, SEC.1.

IC 4-1.5

ARTICLE 1.5. REPEALED

(Repealed by P.L.4-2005, SEC.148.)

IC 4-2

ARTICLE 2. STATE OFFICERS GENERALLY

IC 4-2-1

Chapter 1. Salaries of Elected Officers–Office and Mansion Expenses of the Governor

IC 4-2-1-1

Governor's salary; adjustment of amount; appropriation for payment of increases

Sec. 1. (a) Subject to subsection (b), the salary of the governor is ninety-five thousand dollars ($95,000) per year.

(b) Beginning January 12, 2009, and on the second Monday of January of each succeeding fourth year, the salary of the governor is increased after any four (4) year period during which the general assembly does not amend this section to increase the governor's salary.

(c) The percentage by which salaries are increased under this section is equal to the statewide average percentage, as determined by the budget director, by which the salaries of state employees in the executive branch who are in the same or a similar salary bracket exceed, on January 1 of the current state fiscal year, the salaries of executive branch state employees in the same or a similar salary bracket that were in effect on January 1 of the state fiscal year four (4) years before the current state fiscal year.

(d) The amount of a salary increase under this section is equal to the amount determined by applying the percentage increase for the particular year to the governor's salary, as previously adjusted under this section, that was in effect on January 1 of the state fiscal year four (4) years before the current state fiscal year.

(e) The governor is not entitled to receive a salary increase under this section if state employees described in subsection (c) have not received a statewide average salary increase during the previous four (4) state fiscal years.

(f) If a salary increase is required under this section, an amount sufficient to pay for the salary increase is appropriated from the state general fund.

(Formerly: Acts 1951, c.216, s.1; Acts 1961, c.128, s.1; Acts 1967, c.182, s.1; Acts 1971, P.L.19, SEC.1.) As amended by Acts 1978, P.L.11, SEC.1; P.L.4-1983, SEC.10; P.L.2-1984, SEC.2; P.L.378-1987(ss), SEC.1; P.L.122-1998, SEC.1; P.L.14-2004, SEC.178; P.L.43-2007, SEC.10.

IC 4-2-1-1.5

Salary of state officers other than the governor; adjustment of amounts; appropriation for payment of increases

Sec. 1.5. (a) Subject to subsection (b), the salary of the state elected officials other than the governor is as follows:

(1) For the lieutenant governor, seventy-six thousand dollars ($76,000) per year. However, the lieutenant governor is not entitled to receive per diem allowance for performance of duties as president of the senate.

(2) For the secretary of state, sixty-six thousand dollars ($66,000) per year.

(3) For the auditor of state, sixty-six thousand dollars ($66,000) per year.

(4) For the treasurer of state, sixty-six thousand dollars ($66,000) per year.

(5) For the attorney general, seventy-nine thousand four hundred dollars ($79,400) per year.

(6) For the state superintendent of public instruction, seventy-nine thousand four hundred dollars ($79,400) per year.

(b) Beginning January 1, 2008, the part of the total salary of a state elected official is increased on January 1 of each year after a year in which the general assembly does not amend this section to provide a salary increase for the state elected official.

(c) The percentage by which salaries are increased under this section is equal to the statewide average percentage, as determined by the budget director, by which the salaries of state employees in the executive branch who are in the same or a similar salary bracket exceed, for the current state fiscal year, the salaries of executive branch state employees in the same or a similar salary bracket that were in effect on January 1 of the immediately preceding year.

(d) The amount of a salary increase under this section is equal to the amount determined by applying the percentage increase for the particular year to the salary of the state elected official, as previously adjusted under this section, that is in effect on January 1 of the immediately preceding year.

(e) A state elected official is not entitled to receive a salary increase under this section on January 1 of a state fiscal year in which state employees described in subsection (c) do not receive a statewide average salary increase.

(f) If a salary increase is required under this section, an amount sufficient to pay for the salary increase is appropriated from the state general fund.

As added by P.L.43-2007, SEC.11.

IC 4-2-1-2

Maintenance expense; appropriation

Sec. 2. In addition to the provision of section 1, effective on the second Monday of January 1965, there shall be allowed to the governor the sum of six thousand dollars ($6,000) annually for the other expenses of the office of governor: Provided, That the full maintenance expense, including all utilities and personnel costs for operating the governor's mansion, shall be provided from appropriations made to cover such expenses.

(Formerly: Acts 1951, c.216, s.2; Acts 1961, c.128, s.2.)

IC 4-2-1-3
Annual housing maintenance allowance

Sec. 3. (a) This section does not apply to the governor.

(b) Each elected official of the state is entitled to a housing maintenance allowance of twelve thousand dollars ($12,000) per year in addition to the salary provided under section 1.5 of this chapter.
As added by P.L.122-1998, SEC.2. Amended by P.L.1-2010, SEC.4.

IC 4-2-1-4
Repealed

(As added by P.L.122-1998, SEC.3. Repealed by P.L.1-1999, SEC.2.)

IC 4-2-2

Chapter 2. Bonds of Certain Officers

IC 4-2-2-1

Amount of bonds

Sec. 1. (a) The bond of the auditor of state shall be fixed at one hundred thousand dollars ($100,000).

(b) The bond of the secretary of state shall be fixed at fifty thousand dollars ($50,000).

(c) The bond of the attorney general shall be fixed at fifty thousand dollars ($50,000).

(Formerly: Acts 1901, c.177, s.5.) As amended by P.L.14-2004, SEC.179.

IC 4-2-3

Chapter 3. Salaries of Chief Deputy of Elected Officers

IC 4-2-3-1

Amount fixed by appointing authority; approval of budget committee

Sec. 1. The salaries of chief deputies of elective state officers shall be fixed by the appointing authority, provided such salaries are within the appropriations therefor and approved by the budget committee.

(Formerly: Acts 1947, c.168, s.1.)

IC 4-2-4

Chapter 4. Special Deputies for Acknowledgments, Oaths, Affidavits, and Depositions

IC 4-2-4-1

Appointment; revocation

Sec. 1. The head of any state department, division, board, bureau, or commission is hereby authorized to appoint from the personnel serving as employees in the office of such department, division, board, bureau, or commission, special deputies for the purpose of taking acknowledgments, administering oaths, certifying affidavits and depositions without charge in matters pertaining to said office. Such special deputies shall serve subject to the revocation of their appointments with or without cause by the appointing authority.
(Formerly: Acts 1947, c.81, s.1.)

IC 4-2-4-2

Filing certificates of appointments

Sec. 2. It shall be the duty of the appointing authority to file with the secretary of state certificates of all appointments and revocations provided for by section 1 of this chapter and to supply such seal as will stamp upon paper the following: "Special Deputy of (Name of Department, Division, Board, Bureau, or Commission) State of Indiana", to which may be added such other device as may be selected by the appointing authority.
(Formerly: Acts 1947, c.81, s.2.) As amended by P.L.5-1984, SEC.8.

IC 4-2-4-3

False certification of oath and affirmation

Sec. 3. A special deputy who certifies that any person was sworn or affirmed before the special deputy to any affidavit or other instrument or writing when in fact the person was not so sworn or affirmed commits a Class C infraction.
(Formerly: Acts 1947, c.81, s.3.) As amended by Acts 1978, P.L.2, SEC.401; P.L.215-2016, SEC.10.

IC 4-2-4-4

Repealed

(Repealed by Acts 1978, P.L.2, SEC.428.)

IC 4-2-4-5

Repealed

(Repealed by Acts 1978, P.L.2, SEC.428.)

IC 4-2-5
Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-2-6

Chapter 6. Ethics and Conflicts of Interest

IC 4-2-6-0.1

Repealed

(As added by P.L.220-2011, SEC.14. Repealed by P.L.63-2012, SEC.1.)

IC 4-2-6-1

Definitions

Sec. 1. (a) As used in this chapter, and unless the context clearly denotes otherwise:

(1) "Advisory body" means an authority, a board, a commission, a committee, a task force, or other body designated by any name of the executive department that is authorized only to make nonbinding recommendations.

(2) "Agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, a service, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic set up as an instrumentality of the state and a private, nonprofit, government related corporation. The term does not include any of the following:

(A) The judicial department of state government.

(B) The legislative department of state government.

(C) A state educational institution.

(D) A political subdivision.

(3) "Appointing authority" means the following:

(A) Except as provided in clause (B), the chief administrative officer of an agency. The term does not include a state officer.

(B) For purposes of section 16 of this chapter, "appointing authority" means:

(i) an elected officer;

(ii) the chief administrative officer of an agency; or

(iii) an individual or group of individuals who have the power by law or by lawfully delegated authority to make appointments.

(4) "Assist" means to:

(A) help;

(B) aid;

(C) advise; or

(D) furnish information to;

a person. The term includes an offer to do any of the actions in clauses (A) through (D).

(5) "Business relationship" includes the following:

(A) Dealings of a person with an agency seeking, obtaining,

establishing, maintaining, or implementing:

(i) a pecuniary interest in a contract or purchase with the agency; or

(ii) a license or permit requiring the exercise of judgment or discretion by the agency.

(B) The relationship a lobbyist has with an agency.

(C) The relationship an unregistered lobbyist has with an agency.

(6) "Commission" refers to the state ethics commission created under section 2 of this chapter.

(7) "Compensation" means any money, thing of value, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

(8) "Direct line of supervision" means the chain of command in which the superior affects, or has the authority to affect, the terms and conditions of the subordinate's employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluation.

(9) "Employee" means an individual, other than a state officer, who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

(10) "Employer" means any person from whom a state officer or employee or the officer's or employee's spouse received compensation.

(11) "Financial interest" means an interest:

(A) in a purchase, sale, lease, contract, option, or other transaction between an agency and any person; or

(B) involving property or services.

The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of a state officer or employee in the common stock of a corporation unless the combined holdings in the corporation of the state officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interest of the general public or any state officer or any state employee.

(12) "Information of a confidential nature" means information:

(A) obtained by reason of the position or office held; and

(B) which:

(i) a public agency is prohibited from disclosing under IC 5-14-3-4(a);

(ii) a public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed; or

(iii) is not in a public record, but if it were, would be confidential.

(13) "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

(14) "Political subdivision" means a county, city, town, township, school district, municipal corporation, special taxing district, or other local instrumentality. The term includes an officer of a political subdivision.

(15) "Property" has the meaning set forth in IC 35-31.5-2-253.

(16) "Relative" means any of the following:

(A) A spouse.

(B) A parent or stepparent.

(C) A child or stepchild.

(D) A brother, sister, stepbrother, or stepsister.

(E) A niece or nephew.

(F) An aunt or uncle.

(G) A daughter-in-law or son-in-law.

For purposes of this subdivision, an adopted child of an individual is treated as a natural child of the individual. For purposes of this subdivision, the terms "brother" and "sister" include a brother or sister by the half blood.

(17) "Represent" means to do any of the following on behalf of a person:

(A) Attend an agency proceeding.

(B) Write a letter.

(C) Communicate with an employee of an agency.

(18) "Special state appointee" means a person who is:

(A) not a state officer or employee; and

(B) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:

(i) is authorized by statute or executive order; and

(ii) functions in a policy or an advisory role in the executive (including the administrative) department of state government, including a separate body corporate and politic.

(19) "State officer" means any of the following:

(A) The governor.

(B) The lieutenant governor.

(C) The secretary of state.

(D) The auditor of state.

(E) The treasurer of state.

(F) The attorney general.

(G) The superintendent of public instruction.

(20) The masculine gender includes the masculine and feminine.

(21) The singular form of any noun includes the plural wherever appropriate.

(b) The definitions in IC 4-2-7 apply throughout this chapter.

(Formerly: Acts 1974, P.L.4, SEC.2.) As amended by P.L.13-1987, SEC.4; P.L.5-1988, SEC.18; P.L.9-1990, SEC.1; P.L.15-1992, SEC.1; P.L.8-1993, SEC.7; P.L.22-1995, SEC.1; P.L.5-1996, SEC.1; P.L.44-2001, SEC.1; P.L.222-2005, SEC.1; P.L.89-2006, SEC.1; P.L.2-2007, SEC.19; P.L.105-2012, SEC.1; P.L.114-2012, SEC.7; P.L.123-2015, SEC.21.

IC 4-2-6-2

Commission; creation; membership; vacancies

Sec. 2. (a) There is created a state ethics commission.

(b) The commission is composed of five (5) members appointed by the governor.

(c) No more than three (3) commission members shall be of the same political party. A person who:

(1) holds an elected or appointed office of the state;

(2) is employed by the state; or

(3) is registered as a lobbyist under IC 4-2-7;

may not be a member of the commission. The governor shall designate one (1) member of the commission as the chairperson. Each appointment to the commission is for a period of four (4) years. A vacancy shall be filled by the governor for the unexpired term.

(d) The inspector general shall provide rooms and staff assistance for the commission.

(Formerly: Acts 1974, P.L.4, SEC.2.) As amended by P.L.13-1987, SEC.5; P.L.222-2005, SEC.2; P.L.89-2006, SEC.2.

IC 4-2-6-2.1

Compensation of members

Sec. 2.1. Each member of the commission is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.9-1990, SEC.2.

IC 4-2-6-2.5

Jurisdiction of commission

Sec. 2.5. The commission has jurisdiction over the following persons:

(1) A current or former state officer.

(2) A current or former employee.

(3) A person who has or had a business relationship with an

agency.

(4) A current or former special state appointee.

As added by P.L.9-1990, SEC.3. Amended by P.L.15-1992, SEC.2; P.L.222-2005, SEC.3.

IC 4-2-6-3

Repealed

(Formerly: Acts 1974, P.L.4, SEC.2. As amended by P.L.13-1987, SEC.6. Repealed by P.L.222-2005, SEC.50.)

IC 4-2-6-4

Commission; powers and duties; inspector general; complaints open to public inspection after finding probable cause; exceptions

Sec. 4. (a) The commission may do any of the following:

(1) Upon a vote of four (4) members, refer any matter within the inspector general's authority to the inspector general for investigation.

(2) Receive and hear any complaint filed with the commission by the inspector general that alleges a violation of:

(A) this chapter;

(B) a rule adopted under this chapter;

(C) IC 4-2-7;

(D) a rule adopted under IC 4-2-7;

(E) IC 4-2-8; or

(F) a rule adopted under IC 4-2-8.

(3) Obtain information and, upon a vote of four (4) members, compel the attendance and testimony of witnesses and the production of pertinent books and papers by a subpoena enforceable by the circuit or superior court of the county where the subpoena is to be issued.

(4) Recommend legislation to the general assembly relating to the conduct and ethics of state officers, employees, special state appointees, and persons who have business relationships with agencies.

(5) Adopt rules under IC 4-22-2 to implement this chapter.

(6) Accept and file information:

(A) voluntarily supplied; and

(B) that exceeds the requirements of this chapter.

(7) Conduct research.

(b) The commission shall do the following:

(1) Act as an advisory body by issuing advisory opinions to interpret this chapter, IC 4-2-7, or the rules adopted under this chapter or IC 4-2-7, upon:

(A) request of:

(i) a state officer or a former state officer;

(ii) an employee or a former employee;

(iii) a person who has or had a business relationship with an agency;

(iv) a special state appointee or former special state appointee; or
(v) the inspector general; or
(B) motion of the commission.
(2) Conduct its proceedings in the following manner:
(A) When a complaint is filed with the commission, the commission may:
(i) reject, without further proceedings, a complaint that the commission considers frivolous or inconsequential;
(ii) reject, without further proceedings, a complaint that the commission is satisfied has been dealt with appropriately by an agency;
(iii) upon the vote of four (4) members, determine that the complaint does not allege facts sufficient to constitute a violation of this chapter or the code of ethics and dismiss the complaint; or
(iv) forward a copy of the complaint to the attorney general, the prosecuting attorney of the county in which the alleged violation occurred, the state board of accounts, a state officer, the appointing authority, or other appropriate person for action, and stay the commission's proceedings pending the other action.
(B) If a complaint is not disposed of under clause (A), a copy of the complaint shall be sent to the person alleged to have committed the violation.
(C) If the complaint is not disposed of under clause (A), the commission may promptly refer the alleged violation for additional investigation by the inspector general. If the commission finds by a majority vote that probable cause exists to support an alleged violation, it shall set a public hearing on the matter. The respondent shall be notified within fifteen (15) days of the commission's determination. Except as provided in this section, the commission's evidence relating to an investigation is confidential.
(D) A complaint filed with the commission is open for public inspection after the commission finds that probable cause exists. However, a complaint filed by the inspector general that contains confidential information under IC 4-2-7-8 may be redacted to exclude the confidential information. Every hearing and other proceeding in which evidence is received by the commission is open to the public. Investigative reports by the inspector general that are not filed with the commission may be kept confidential.
(E) A:
(i) complaint that is filed with; or
(ii) proceeding that is held by;
the commission before the commission has found probable cause is confidential unless the target of the investigation

elects to have information disclosed, or the commission elects to respond to public statements by the person who filed the complaint.

(F) The commission may acknowledge:

(i) the existence and scope of an investigation before the finding of probable cause; or

(ii) that the commission did not find probable cause to support an alleged violation.

(G) If a hearing is to be held, the respondent may examine and make copies of all evidence in the commission's possession relating to the charges. At the hearing, the charged party shall be afforded appropriate due process protection consistent with IC 4-21.5, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses.

(H) After the hearing, the commission shall state its findings of fact. If the commission, based on a preponderance of the evidence, finds by a majority vote that the respondent has violated this chapter, IC 4-2-7, IC 4-2-8, or a rule adopted under this chapter, IC 4-2-7, or IC 4-2-8, it shall state its findings in writing in a report, which shall be supported and signed by a majority of the commission members and shall be made public.

(I) If the commission, based on a preponderance of the evidence, finds by a majority vote a violation of this chapter, IC 4-2-7, IC 4-2-8, or a rule adopted under this chapter, IC 4-2-7, or IC 4-2-8, the commission may also take any of the actions provided in section 12 of this chapter.

(J) The report required under clause (H) shall be presented to:

(i) the respondent;

(ii) the appointing authority or state officer of the employee, former employee, or special state appointee;

(iii) the appointing authority or state officer of an agency or office that has a business relationship with the person sanctioned; and

(iv) the governor.

(K) The commission may also forward the report to any of the following:

(i) The prosecuting attorney of each county in which the violation occurred.

(ii) The state board of accounts.

(iii) The state personnel director.

(iv) The attorney general.

(v) A state officer.

(vi) The appointing authority of the state employee or agency that has a business relationship with the person

sanctioned.

(vii) Any other appropriate person.

(L) If the commission finds the respondent has not violated a code or statutory provision or a rule adopted under this chapter, IC 4-2-7, or IC 4-2-8, it shall dismiss the charges.

(3) Review all conflict of interest disclosures received by the commission under IC 35-44.1-1-4, maintain an index of those disclosures, and issue advisory opinions and screening procedures as set forth in section 9 of this chapter.

(c) Notwithstanding IC 5-14-3-4(b)(8)(C), the records of the commission concerning the case of a respondent that are not confidential under IC 5-14-3-4(b)(2)(C) shall be available for inspection and copying in accordance with IC 5-14-3.

(Formerly: Acts 1974, P.L.4, SEC.2.) As amended by P.L.12-1983, SEC.4; P.L.13-1987, SEC.7; P.L.5-1988, SEC.19; P.L.9-1990, SEC.4; P.L.15-1992, SEC.3; P.L.44-2001, SEC.2; P.L.222-2005, SEC.4; P.L.89-2006, SEC.3; P.L.126-2012, SEC.1.

IC 4-2-6-4.3

Meetings

Sec. 4.3. The commission may not conduct a hearing under section 4(b)(2)(G) of this chapter by using electronic communication under IC 5-14-1.5-3.6.

As added by P.L.89-2006, SEC.4. Amended by P.L.134-2012, SEC.1.

IC 4-2-6-4.5

Violations reported; report to commission of action taken

Sec. 4.5. Whenever an appointing authority or a state officer receives a report under section 4(b)(2)(H) of this chapter, the appointing authority or state officer shall report to the commission the action taken in response to the report. The commission may require in the report that the appointing authority or the state officer submit the response required by this section in a reasonable, specified amount of time.

As added by P.L.13-1987, SEC.8. Amended by P.L.9-1990, SEC.5; P.L.89-2006, SEC.5.

IC 4-2-6-5

Repealed

(Formerly: Acts 1974, P.L.4, SEC.2. Repealed by P.L.222-2005, SEC.50.)

IC 4-2-6-5.5

Conflict of interest; advisory opinion by commission

Sec. 5.5. (a) A current state officer, employee, or special state appointee may not knowingly do any of the following:

(1) Accept other employment involving compensation of substantial value if the responsibilities of that employment are

inherently incompatible with the responsibilities of public office or require the individual's recusal from matters so central or critical to the performance of the individual's official duties that the individual's ability to perform those duties would be materially impaired.

(2) Accept employment or engage in business or professional activity that would require the individual to disclose confidential information that was gained in the course of state employment.

(3) Use or attempt to use the individual's official position to secure unwarranted privileges or exemptions that are:

(A) of substantial value; and

(B) not properly available to similarly situated individuals outside state government.

(b) A written advisory opinion issued by the commission stating that an individual's outside employment does not violate subsection (a)(1) or (a)(2) is conclusive proof that the individual's outside employment does not violate subsection (a)(1) or (a)(2).

As added by P.L.222-2005, SEC.5. Amended by P.L.89-2006, SEC.6; P.L.123-2015, SEC.22.

IC 4-2-6-6

Present or former state officers, employees, and special state appointees; compensation resulting from confidential information

Sec. 6. No state officer or employee, former state officer or employee, special state appointee, or former special state appointee shall accept any compensation from any employment, transaction, or investment which was entered into or made as a result of material information of a confidential nature.

(Formerly: Acts 1974, P.L.4, SEC.2.) As amended by P.L.15-1992, SEC.4; P.L.89-2006, SEC.7.

IC 4-2-6-7

State officers and employees; excess compensation for sale or lease; advisory body member exception

Sec. 7. (a) This section does not apply to a special state appointee who serves only as a member of an advisory body.

(b) A state officer, employee, or special state appointee may not receive compensation:

(1) for the sale or lease of any property or service which substantially exceeds that which the state officer, employee, or special state appointee would charge in the ordinary course of business; and

(2) from any person whom the state officer, employee, or special state appointee knows or, in the exercise of reasonable care and diligence should know, has a business relationship with the agency in which the state officer, employee, or special state appointee holds a position.

(Formerly: Acts 1974, P.L.4, SEC.2.) As amended by P.L.9-1990, SEC.6; P.L.89-2006, SEC.8.

IC 4-2-6-8
Financial disclosure; filing false statement; penalty

Sec. 8. (a) The following persons shall file a written financial disclosure statement:

(1) The governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, and state superintendent of public instruction.

(2) Any candidate for one (1) of the offices in subdivision (1) who is not the holder of one (1) of those offices.

(3) Any person who is the appointing authority of an agency.

(4) The director of each division of the department of administration.

(5) Any purchasing agent within the procurement division of the department of administration.

(6) Any agency employee, special state appointee, former agency employee, or former special state appointee with final purchasing authority.

(7) The chief investment officer employed by the Indiana public retirement system.

(8) Any employee of the Indiana public retirement system whose duties include the recommendation, selection, and management of:

(A) the investments of the funds administered by the Indiana public retirement system;

(B) the investment options offered in the annuity savings accounts in the public employees' retirement fund and the Indiana state teachers' retirement fund;

(C) the investment options offered in the legislators' defined contribution plan; or

(D) investment managers, investment advisors, and other investment service providers of the Indiana public retirement system.

(9) An employee required to do so by rule adopted by the inspector general.

(b) The statement shall be filed with the inspector general as follows:

(1) Not later than February 1 of every year, in the case of the state officers and employees enumerated in subsection (a).

(2) If the individual has not previously filed under subdivision (1) during the present calendar year and is filing as a candidate for a state office listed in subsection (a)(1), before filing a declaration of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5, or before a certificate of nomination is filed under IC 3-8-7-8, in the case of a candidate

for one (1) of the state offices (unless the statement has already been filed when required under IC 3-8-4-11).

(3) Not later than sixty (60) days after employment or taking office, unless the previous employment or office required the filing of a statement under this section.

(4) Not later than thirty (30) days after leaving employment or office, unless the subsequent employment or office requires the filing of a statement under this section.

The statement must be made under affirmation.

(c) The statement shall set forth the following information for the preceding calendar year or, in the case of a state officer or employee who leaves office or employment, the period since a previous statement was filed:

(1) The name and address of any person known:

(A) to have a business relationship with the agency of the state officer or employee or the office sought by the candidate; and

(B) from whom the state officer, candidate, or the employee, or that individual's spouse or unemancipated children received a gift or gifts having a total fair market value in excess of one hundred dollars ($100).

(2) The location of all real property in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children has an equitable or legal interest either amounting to five thousand dollars ($5,000) or more or comprising ten percent (10%) of the state officer's, candidate's, or the employee's net worth or the net worth of that individual's spouse or unemancipated children. An individual's primary personal residence need not be listed, unless it also serves as income property.

(3) The names and the nature of the business of the employers of the state officer, candidate, or the employee and that individual's spouse.

(4) The following information about any sole proprietorship owned or professional practice operated by the state officer, candidate, or the employee or that individual's spouse:

(A) The name of the sole proprietorship or professional practice.

(B) The nature of the business.

(C) Whether any clients are known to have had a business relationship with the agency of the state officer or employee or the office sought by the candidate.

(D) The name of any client or customer from whom the state officer, candidate, employee, or that individual's spouse received more than thirty-three percent (33%) of the state officer's, candidate's, employee's, or that individual's spouse's nonstate income in a year.

(5) The name of any partnership of which the state officer,

candidate, or the employee or that individual's spouse is a member and the nature of the partnership's business.

(6) The name of any corporation (other than a church) of which the state officer, candidate, or the employee or that individual's spouse is an officer or a director and the nature of the corporation's business.

(7) The name of any corporation in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars ($10,000). However, if the stock is held in a blind trust, the name of the administrator of the trust must be disclosed on the statement instead of the name of the corporation. A time or demand deposit in a financial institution or insurance policy need not be listed.

(8) The name and address of the most recent former employer.

(9) Additional information that the person making the disclosure chooses to include.

Any such state officer, candidate, or employee may file an amended statement upon discovery of additional information required to be reported.

(d) A person who:

(1) fails to file a statement required by rule or this section in a timely manner; or

(2) files a deficient statement;

upon a majority vote of the commission, is subject to a civil penalty at a rate of not more than ten dollars ($10) for each day the statement remains delinquent or deficient. The maximum penalty under this subsection is one thousand dollars ($1,000).

(e) A person who intentionally or knowingly files a false statement commits a Class A infraction.

(Formerly: Acts 1974, P.L.4, SEC.2.) As amended by P.L.12-1983, SEC.5; P.L.13-1987, SEC.9; P.L.9-1990, SEC.7; P.L.3-1993, SEC.237; P.L.44-2001, SEC.3; P.L.14-2004, SEC.180; P.L.222-2005, SEC.6; P.L.89-2006, SEC.9; P.L.23-2011, SEC.2.

IC 4-2-6-9

Conflict of economic interests; commission advisory opinions; disclosure statement; written determinations

Sec. 9. (a) A state officer, an employee, or a special state appointee may not participate in any decision or vote, or matter relating to that decision or vote, if the state officer, employee, or special state appointee has knowledge that any of the following has a financial interest in the outcome of the matter:

(1) The state officer, employee, or special state appointee.

(2) A member of the immediate family of the state officer, employee, or special state appointee.

(3) A business organization in which the state officer,

employee, or special state appointee is serving as an officer, a director, a member, a trustee, a partner, or an employee.

(4) Any person or organization with whom the state officer, employee, or special state appointee is negotiating or has an arrangement concerning prospective employment.

(b) A state officer, an employee, or a special state appointee who identifies a potential conflict of interest shall notify the person's appointing authority and ethics officer in writing and do either of the following:

(1) Seek an advisory opinion from the commission by filing a written description detailing the nature and circumstances of the particular matter and making full disclosure of any related financial interest in the matter. The commission shall:

(A) with the approval of the appointing authority, assign the particular matter to another person and implement all necessary procedures to screen the state officer, employee, or special state appointee seeking an advisory opinion from involvement in the matter; or

(B) make a written determination that the interest is not so substantial that the commission considers it likely to affect the integrity of the services that the state expects from the state officer, employee, or special state appointee.

(2) File a written disclosure statement with the commission that:

(A) details the conflict of interest;

(B) describes and affirms the implementation of a screen established by the ethics officer;

(C) is signed by both:

(i) the state officer, employee, or special state appointee who identifies the potential conflict of interest; and

(ii) the agency ethics officer;

(D) includes a copy of the disclosure provided to the appointing authority; and

(E) is filed not later than seven (7) days after the conduct that gives rise to the conflict.

A written disclosure filed under this subdivision shall be posted on the inspector general's Internet web site.

(c) A written determination under subsection (b)(1)(B) constitutes conclusive proof that it is not a violation for the state officer, employee, or special state appointee who sought an advisory opinion under this section to participate in the particular matter. A written determination under subsection (b)(1)(B) shall be filed with the appointing authority.

(Formerly: Acts 1974, P.L.4, SEC.2.) As amended by P.L.9-1990, SEC.8; P.L.15-1992, SEC.5; P.L.22-1995, SEC.2; P.L.222-2005, SEC.7; P.L.123-2015, SEC.23.

IC 4-2-6-10
Repealed

(Repealed by Acts 1978, P.L.2, SEC.428.)

IC 4-2-6-10.5

Prohibition against financial interest in contract; exceptions; disclosure statement; penalty for failure to file statement

Sec. 10.5. (a) Subject to subsection (b), a state officer, an employee, or a special state appointee may not knowingly have a financial interest in a contract made by an agency.

(b) The prohibition in subsection (a) does not apply to a state officer, an employee, or a special state appointee who:

(1) does not participate in or have contracting responsibility for the contracting agency; and

(2) files a written statement with the inspector general before the state officer, employee, or special state appointee executes the contract with the state agency.

(c) A statement filed under subsection (b)(2) must include the following for each contract:

(1) An affirmation that the state officer, employee, or special state appointee does not participate in or have contracting responsibility for the contracting agency.

(2) An affirmation that the contract:

(A) was made after public notice and, if applicable, through competitive bidding; or

(B) was not subject to notice and bidding requirements and the basis for that conclusion.

(3) A statement making full disclosure of all related financial interests in the contract.

(4) A statement indicating that the contract can be performed without compromising the performance of the official duties and responsibilities of the state officer, employee, or special state appointee.

(5) In the case of a contract for professional services, an affirmation by the appointing authority of the contracting agency that no other state officer, employee, or special state appointee of that agency is available to perform those services as part of the regular duties of the state officer, employee, or special state appointee.

A state officer, employee, or special state appointee may file an amended statement upon discovery of additional information required to be reported.

(d) A state officer, employee, or special state appointee who:

(1) fails to file a statement required by rule or this section; or

(2) files a deficient statement;

before the contract start date is, upon a majority vote of the commission, subject to a civil penalty of not more than ten dollars ($10) for each day the statement remains delinquent or deficient. The maximum penalty under this subsection is one thousand dollars ($1,000).

As added by P.L.222-2005, SEC.8. Amended by P.L.123-2015, SEC.24.

IC 4-2-6-11

One year restriction on certain employment or representation; advisory opinion; exceptions; waivers; disclosure statements; restrictions on inspector general seeking state office

Sec. 11. (a) As used in this section, "particular matter" means any of the following:

(1) An application.
(2) A business transaction.
(3) A claim.
(4) A contract.
(5) A determination.
(6) An enforcement proceeding.
(7) An investigation.
(8) A judicial proceeding.
(9) A lawsuit.
(10) A license.
(11) An economic development project.
(12) A public works project.

The term does not include the proposal or consideration of a legislative matter or the proposal, consideration, adoption, or implementation of a rule or an administrative policy or practice of general application.

(b) A former state officer, employee, or special state appointee may not accept employment or receive compensation:

(1) as a lobbyist;
(2) from an employer if the former state officer, employee, or special state appointee was:
    (A) engaged in the negotiation or the administration of one (1) or more contracts with that employer on behalf of the state or an agency; and
    (B) in a position to make a discretionary decision affecting the:
        (i) outcome of the negotiation; or
        (ii) nature of the administration; or
(3) from an employer if the former state officer, employee, or special state appointee made a regulatory or licensing decision that directly applied to the employer or to a parent or subsidiary of the employer;

before the elapse of at least three hundred sixty-five (365) days after the date on which the former state officer, employee, or special state appointee ceases to be a state officer, employee, or special state appointee.

(c) A former state officer, employee, or special state appointee may not represent or assist a person in a particular matter involving the state if the former state officer, employee, or special state

appointee personally and substantially participated in the matter as a state officer, employee, or special state appointee, even if the former state officer, employee, or special state appointee receives no compensation for the representation or assistance.

(d) A former state officer, employee, or special state appointee may not accept employment or compensation from an employer if the circumstances surrounding the employment or compensation would lead a reasonable person to believe that:

(1) employment; or

(2) compensation;

is given or had been offered for the purpose of influencing the former state officer, employee, or special state appointee in the performance of the individual's duties or responsibilities while a state officer, an employee, or a special state appointee.

(e) A written advisory opinion issued by the commission certifying that:

(1) employment of;

(2) consultation by;

(3) representation by; or

(4) assistance from;

the former state officer, employee, or special state appointee does not violate this section is conclusive proof that a former state officer, employee, or special state appointee is not in violation of this section.

(f) Subsection (b) does not apply to the following:

(1) A special state appointee who serves only as a member of an advisory body.

(2) A former state officer, employee, or special state appointee who has:

(A) not negotiated or administered any contracts with that employer in the two (2) years before the beginning of employment or consulting negotiations with that employer; and

(B) any contract that:

(i) the former state officer, employee, or special state appointee may have negotiated or administered before the two (2) years preceding the beginning of employment or consulting negotiations; and

(ii) is no longer active.

(g) An employee's or a special state appointee's state officer or appointing authority may waive application of subsection (b) or (c) in individual cases when consistent with the public interest. A waiver must satisfy all of the following:

(1) The waiver must be signed by an employee's or a special state appointee's:

(A) state officer or appointing authority authorizing the waiver; and

(B) agency ethics officer attesting to form.

(2) The waiver must include the following information:

(A) Whether the employee's prior job duties involved substantial decision making authority over policies, rules, or contracts.

(B) The nature of the duties to be performed by the employee for the prospective employer.

(C) Whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee.

(D) Whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest.

(E) The extent of economic hardship to the employee if the request for a waiver is denied.

(3) The waiver must be filed with and presented to the commission by the state officer or appointing authority authorizing the waiver.

(4) The waiver must be limited to an employee or a special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation of subsection (b) or (c).

The commission may conduct an administrative review of a waiver and approve a waiver only if the commission is satisfied that the information provided under subdivision (2) is specifically and satisfactorily articulated. The inspector general may adopt rules under IC 4-22-2 to establish criteria for post employment waivers.

(h) Subsection (b) applies, subject to waiver under subsection (g), to a former state officer, employee, or special state appointee who:

(1) made decisions as an administrative law judge; or

(2) presided over information gathering or order drafting proceedings;

that directly applied to the employer or to a parent or subsidiary of the employer in a material manner.

(i) A former state officer, employee, or special state appointee who forms a sole proprietorship or a professional practice and engages in a business relationship with an entity that would otherwise violate this section must file a disclosure statement with the commission not later than one hundred eighty (180) days after separation from state service. The disclosure must:

(1) be signed by the former state officer, employee, or special state appointee;

(2) certify that the former state officer, employee, or special state appointee is not an employee of the entity; and

(3) state in detail the treatment of taxes, insurance, and any other benefits between the entity and the former state officer, employee, or state appointee.

(j) The inspector general may not seek a state elected office before the elapse of at least three hundred sixty-five (365) days after leaving the inspector general position.

As added by P.L.9-1990, SEC.9. Amended by P.L.15-1992, SEC.6; P.L.222-2005, SEC.9; P.L.89-2006, SEC.10; P.L.1-2007, SEC.3; P.L.123-2015, SEC.25.

IC 4-2-6-11.5

Lobbyists prohibited from serving on executive branch boards, commissions, authorities, or task forces; exception for advisory bodies

Sec. 11.5. (a) This section applies only to a special state appointee appointed after January 10, 2005.

(b) Except as provided in subsection (c), a lobbyist may not serve as a special state appointee.

(c) A lobbyist may serve as a member of an advisory body.

As added by P.L.222-2005, SEC.10. Amended by P.L.89-2006, SEC.11.

IC 4-2-6-12

Violations; penalties; sanctions

Sec. 12. If the commission finds a violation of this chapter, IC 4-2-7, or IC 4-2-8, or a rule adopted under this chapter IC 4-2-7, or IC 4-2-8, in a proceeding under section 4 of this chapter, the commission may take any of the following actions:

(1) Impose a civil penalty upon a respondent not to exceed three (3) times the value of any benefit received from the violation.

(2) Cancel a contract.

(3) Bar a person from entering into a contract with an agency or a state officer for a period specified by the commission.

(4) Order restitution or disgorgement.

(5) Reprimand, suspend, or terminate an employee or a special state appointee.

(6) Reprimand or recommend the impeachment of a state officer.

(7) Bar a person from future state employment as an employee or future appointment as a special state appointee.

(8) Revoke a license or permit issued by an agency.

(9) Bar a person from obtaining a license or permit issued by an agency.

(10) Revoke the registration of a person registered as a lobbyist under IC 4-2-8.

(11) Bar a person from future lobbying activity with a state officer or agency.

As added by P.L.9-1990, SEC.10. Amended by P.L.15-1992, SEC.7; P.L.222-2005, SEC.11; P.L.89-2006, SEC.12.

IC 4-2-6-13

Retaliation against employee or former employee for filing complaint or furnishing information or testimony

Sec. 13. (a) Except as provided in subsection (b), a state officer, an employee, or a special state appointee shall not retaliate or threaten to retaliate against an employee, a former employee, a special state appointee, or a former special state appointee because the employee, former employee, special state appointee, or former special state appointee did any of the following:

(1) Filed a complaint with the commission or the inspector general.

(2) Provided information to the commission or the inspector general.

(3) Testified at a commission proceeding.

(b) A state officer, an employee, or a special state appointee may take appropriate action against an employee who took any of the actions listed in subsection (a) if the employee or special state appointee:

(1) did not act in good faith; or

(2) knowingly or recklessly provided false information or testimony to the commission.

(c) A person who violates this section is subject to action under section 12 of this chapter and criminal prosecution under IC 35-44.2-1-2.

As added by P.L.15-1992, SEC.8. Amended by P.L.44-2001, SEC.4; P.L.222-2005, SEC.12; P.L.89-2006, SEC.13; P.L.126-2012, SEC.2.

IC 4-2-6-14

Prohibitions; criminal penalty

Sec. 14. (a) A person may not do any of the following:

(1) Knowingly or intentionally induce or attempt to induce, by threat, coercion, suggestion, or false statement, a witness or informant in a commission proceeding or investigation conducted by the inspector general to do any of the following:

(A) Withhold or unreasonably delay the production of any testimony, information, document, or thing.

(B) Avoid legal process summoning the person to testify or supply evidence.

(C) Fail to appear at a proceeding or investigation to which the person has been summoned.

(D) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in a commission proceeding or investigation to mislead a commissioner or commission employee.

(2) Alter, damage, or remove a record, document, or thing except as permitted or required by law, with the intent to prevent the record, document, or thing from being produced or used in a commission proceeding or investigation conducted by the inspector general.

(3) Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in a commission proceeding or investigation to mislead a commissioner or commission employee.

(b) A person who violates subsection (a) is subject to criminal prosecution under IC 35-44.2-1-3.

As added by P.L.44-2001, SEC.5. Amended by P.L.222-2005, SEC.13; P.L.126-2012, SEC.3.

IC 4-2-6-15

Communications paid for with appropriations or from securities division enforcement account; use of state officer's name or likeness prohibited; exceptions

Sec. 15. (a) This section does not apply to the following:

(1) A communication made by the governor concerning the public health or safety.

(2) A communication:

(A) that a compelling public policy reason justifies the state officer to make; and

(B) the expenditure for which is approved by the budget agency after an advisory recommendation from the budget committee.

(b) This section does not prohibit a state officer from using in a communication the title of the office the state officer holds.

(c) As used in this section, "communication" refers only to the following:

(1) An audio communication.

(2) A video communication.

(3) A print communication in a newspaper (as defined in IC 5-3-1-0.4).

(d) A state officer may not use the state officer's name or likeness in a communication paid for entirely or in part with appropriations made by the general assembly, regardless of the source of the money.

(e) A state officer may not use the state officer's name or likeness in a communication paid for entirely or in part with:

(1) money from the securities division enforcement account established under IC 23-19-6-1(f); or

(2) appropriations from the state general fund made under IC 23-19-6-1(f).

As added by P.L.58-2010, SEC.33. Amended by P.L.114-2010, SEC.1.

IC 4-2-6-16

Nepotism

Sec. 16. (a) This chapter does not prohibit the continuation of a job assignment that existed on July 1, 2012.

(b) As used in this section, "employed" refers to all employment, including full-time, part-time, temporary, intermittent, or hourly. The

term includes service as a state officer or special state appointee.

(c) An individual employed in an agency may not hire a relative.

(d) Except as provided in subsection (e), an individual may not be employed in the same agency in which an individual's relative is the appointing authority.

(e) An individual may be employed in the same agency in which the individual's relative is the appointing authority, if the individual has been employed in the same agency for at least twelve (12) consecutive months immediately preceding the date the individual's relative becomes the appointing authority.

(f) Except as provided in subsection (e), an individual may not be placed in a relative's direct line of supervision.

(g) An individual employed in an agency may not contract with or supervise the work of a business entity of which a relative is a partner, executive officer, or sole proprietor.

(h) Any person within an agency who knowingly participates in a violation of this chapter is subject to the penalties set forth in section 12 of this chapter.

As added by P.L.105-2012, SEC.2.

IC 4-2-6-17

Use of state property for other than official business; exceptions; violations

Sec. 17. (a) Subject to IC 4-2-7-5, a state officer, an employee, or a special state appointee may not use state materials, funds, property, personnel, facilities, or equipment for purposes other than official state business unless the use is expressly permitted by a general written agency, departmental, or institutional policy or regulation that has been approved by the commission. The commission may withhold approval of a policy or rule that violates the intent of Indiana law or the code of ethics, even if Indiana law or the code of ethics does not explicitly prohibit that policy or rule.

(b) An individual who violates this section is subject to action under section 12 of this chapter.

As added by P.L.123-2015, SEC.26.

IC 4-2-7

Chapter 7. The Inspector General

IC 4-2-7-1

Definitions

Sec. 1. The following definitions apply throughout this chapter:

(1) "Agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or other instrumentality of the executive, including the administrative, department of state government. The term includes a body corporate and politic established as an instrumentality of the state. The term does not include the following:

(A) The judicial department of state government.

(B) The legislative department of state government.

(C) A political subdivision (as defined in IC 4-2-6-1).

(2) "Business relationship" has the meaning set forth in IC 4-2-6-1.

(3) "Employee" means an individual who is employed by an agency on a full-time, a part-time, a temporary, an intermittent, or an hourly basis. The term includes an individual who contracts with an agency for personal services.

(4) "Ethics commission" means the state ethics commission created by IC 4-2-6-2.

(5) "Lobbyist" means an individual who seeks to influence decision making of an agency and who is registered as an executive branch lobbyist under rules adopted by the Indiana department of administration.

(6) "Person" has the meaning set forth in IC 4-2-6-1.

(7) "Special state appointee" has the meaning set forth in IC 4-2-6-1.

(8) "State officer" has the meaning set forth in IC 4-2-6-1.

As added by P.L.222-2005, SEC.14.

IC 4-2-7-2

Inspector general; powers and duties; appointment and removal; reappointment; compensation

Sec. 2. (a) There is established the office of the inspector general. The office of the inspector general consists of the inspector general, who is the director of the office, and an additional staff of deputy inspectors general, investigators, auditors, and clerical employees appointed by the inspector general as necessary to carry out the duties of the inspector general. The inspector general shall provide rooms and staff assistance for the ethics commission.

(b) The inspector general is responsible for addressing fraud, waste, abuse, and wrongdoing in agencies.

(c) The governor shall appoint the inspector general. The inspector general:

(1) except as provided in subdivision (2), shall be appointed for

a term that expires on the earlier of the date that:

(A) the term of the governor who appointed the inspector general expires; or

(B) the governor leaves office;

(2) may only be removed from office by the governor for:

(A) neglect of duty;

(B) misfeasance;

(C) malfeasance; or

(D) nonfeasance;

(3) must be an attorney licensed to practice law in Indiana; and

(4) is entitled to receive compensation set by the governor and approved by the budget agency.

If the governor is reelected, the governor may reappoint the inspector general for an additional term. The inspector general's compensation may not be reduced during the inspector general's continuance in office.

(d) Subject to the approval of the budget agency, the inspector general shall fix the salary of all other employees of the office of the inspector general.

(e) Except for information declared confidential under this chapter, records of the office of the inspector general are subject to public inspection under IC 5-14-3.

(f) IC 5-14-1.5 (the open door law) applies to public meetings of the office of the inspector general.

As added by P.L.222-2005, SEC.14.

IC 4-2-7-3

Duties; criminal investigation; recommendations; annual report

Sec. 3. The inspector general shall do the following:

(1) Initiate, supervise, and coordinate investigations.

(2) Recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government.

(3) Receive complaints alleging the following:

(A) A violation of the code of ethics.

(B) Bribery (IC 35-44.1-1-2).

(C) Official misconduct (IC 35-44.1-1-1).

(D) Conflict of interest (IC 35-44.1-1-4).

(E) Profiteering from public service (IC 35-44.1-1-5).

(F) A violation of the executive branch lobbying rules.

(G) A violation of a statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency.

(4) If the inspector general has reasonable cause to believe that a crime has occurred or is occurring, report the suspected crime to:

(A) the governor; and

(B) appropriate state or federal law enforcement agencies and prosecuting authorities having jurisdiction over the matter.

(5) Adopt rules under IC 4-22-2 to implement IC 4-2-6 and this chapter.

(6) Adopt rules under IC 4-22-2 and section 5 of this chapter to implement a code of ethics.

(7) Ensure that every:

(A) employee;

(B) state officer;

(C) special state appointee; and

(D) person who has a business relationship with an agency;

is properly trained in the code of ethics.

(8) Provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency.

(9) Recommend legislation to the governor and general assembly to strengthen public integrity laws, including the code of ethics for state officers, employees, special state appointees, and persons who have a business relationship with an agency, including whether additional specific state officers, employees, or special state appointees should be required to file a financial disclosure statement under IC 4-2-6-8.

(10) Annually submit a report to the legislative council detailing the inspector general's activities. The report must be in an electronic format under IC 5-14-6.

(11) Prescribe and provide forms for statements required to be filed under IC 4-2-6 or this chapter.

(12) Accept and file information that:

(A) is voluntarily supplied; and

(B) exceeds the requirements of this chapter.

(13) Inspect financial disclosure forms.

(14) Notify persons who fail to file forms required under IC 4-2-6 or this chapter.

(15) Develop a filing, a coding, and an indexing system required by IC 4-2-6 and IC 35-44.1-1.

(16) Prepare interpretive and educational materials and programs.

(17) Adopt rules under IC 4-22-2 and section 9 of this chapter to implement a statewide code of judicial conduct for administrative law judges. The inspector general may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement a statewide code of judicial conduct for administrative law judges.

As added by P.L.222-2005, SEC.14. Amended by P.L.89-2006, SEC.14; P.L.1-2007, SEC.4; P.L.126-2012, SEC.4; P.L.72-2014, SEC.1.

IC 4-2-7-4

Powers; subpoena and contempt; reports; serving as special prosecuting attorney; civil and criminal actions

Sec. 4. To carry out the duties described in section 3 of this chapter, the inspector general has the following powers:

(1) As part of an investigation, the inspector general may:

(A) administer oaths;

(B) examine witnesses under oath;

(C) issue subpoenas and subpoenas duces tecum; and

(D) examine the records, reports, audits, reviews, papers, books, recommendations, contracts, correspondence, or any other documents maintained by an agency.

(2) The inspector general may apply to a circuit or superior court for an order holding an individual in contempt of court if the individual refuses to give sworn testimony under a subpoena issued by the inspector general or otherwise disobeys a subpoena or subpoena duces tecum issued by the inspector general.

(3) The inspector general shall prepare a report summarizing the results of every investigation. The report is confidential in accordance with section 8 of this chapter.

(4) If the attorney general has elected not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained, the inspector general may file a civil action for the recovery of the funds in accordance with section 6 of this chapter.

(5) The inspector general may prosecute a criminal matter as a special prosecuting attorney or special deputy prosecuting attorney in accordance with:

(A) section 7 of this chapter; or

(B) IC 33-39-10-3.

As added by P.L.222-2005, SEC.14. Amended by P.L.57-2014, SEC.1.

IC 4-2-7-5

Code of ethics; use of state property for political purpose; filing ethics complaint

Sec. 5. (a) The inspector general shall adopt rules under IC 4-22-2 establishing a code of ethics for the conduct of state business. The code of ethics must be consistent with Indiana law.

(b) The code of ethics must, except as provided in subsection (c), prohibit the following:

(1) A state officer, an employee, or a special state appointee from using state materials, funds, property, personnel, facilities, or equipment for a political purpose.

(2) Adoption of policies or regulations that authorize a state officer, an employee, or a special state appointee to use state materials, funds, property, personnel, facilities, or equipment

for a political purpose.

For purposes of this section, "political purpose" does not include the handling or disposing of unsolicited political communications.

(c) A state officer or an individual designated by the state officer may use state materials, funds, property, personnel, facilities, or equipment for the following:

(1) To coordinate the state officer's official, personal, and political calendars.

(2) To provide transportation and security for:

(A) the state officer; and

(B) any employee or special state appointee who accompanies the state officer.

(3) Incidental or de minimus political communications or activity involving the state officer.

(d) If the inspector general investigates and determines that there is specific and credible evidence that a current or former employee, a current or former state officer, a current or former special state appointee, or a person who has or had a business relationship with an agency has violated the code of ethics, the inspector general may:

(1) file a complaint with the ethics commission and represent the state in a public proceeding before the ethics commission as prescribed in IC 4-2-6-4; or

(2) file a complaint with the ethics commission and negotiate an agreed settlement for approval by the ethics commission according to its rules.

As added by P.L.222-2005, SEC.14. Amended by P.L.123-2015, SEC.27.

IC 4-2-7-6

Misconduct involving state business; report to attorney general; inspector general's authority to bring civil action

Sec. 6. (a) This section applies if the inspector general finds evidence of misfeasance, malfeasance, nonfeasance, misappropriation, fraud, or other misconduct that has resulted in a financial loss to the state or in an unlawful benefit to an individual in the conduct of state business.

(b) If the inspector general finds evidence described in subsection (a), the inspector general shall certify a report of the matter to the attorney general and provide the attorney general with any relevant documents, transcripts, or written statements. Not later than one hundred eighty (180) days after receipt of the report from the inspector general, the attorney general shall do one (1) of the following:

(1) File a civil action (including an action upon a state officer's official bond) to secure for the state the recovery of funds misappropriated, diverted, missing, or unlawfully gained. Upon request of the attorney general, the inspector general shall assist the attorney general in the investigation, preparation, and

prosecution of the civil action.

(2) Inform the inspector general that the attorney general does not intend to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. If the attorney general elects not to file a civil action, the attorney general shall return to the inspector general all documents and files initially provided by the inspector general.

(3) Inform the inspector general that the attorney general is diligently investigating the matter and after further investigation may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. However, if more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general, the attorney general loses the authority to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained and shall return to the inspector general all documents and files initially provided by the inspector general.

(c) If the inspector general has found evidence described in subsection (a) and reported to the attorney general under subsection (b) and:

(1) the attorney general has elected under subsection (b)(2) not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained; or

(2) under subsection (b)(3) more than three hundred sixty-five (365) days have passed since the inspector general certified the report to the attorney general under subsection (b) and the attorney general has not filed a civil action;

the inspector general may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained.

(d) If the inspector general has found evidence described in subsection (a), the inspector general may institute forfeiture proceedings under IC 34-24-2 in a court having jurisdiction in a county where property derived from or realized through the misappropriation, diversion, disappearance, or unlawful gain of state funds may be located, unless a prosecuting attorney has already instituted forfeiture proceedings against that property.

(e) The inspector general may directly institute civil proceedings against a person who has failed to pay civil penalties imposed by the ethics commission under IC 4-2-6-12.

As added by P.L.222-2005, SEC.14. Amended by P.L.126-2012, SEC.5; P.L.136-2012, SEC.1.

IC 4-2-7-7

Crimes; inspector general's duty to report to prosecuting attorney; governor's recommendation; appointment of special prosecutor by court of appeals judge; selection; powers and limitations; indictment

Sec. 7. (a) If the inspector general discovers evidence of criminal activity, the inspector general shall certify to the appropriate prosecuting attorney the following information:

(1) The identity of any person who may be involved in the criminal activity.

(2) The criminal statute that the inspector general believes has been violated.

In addition, the inspector general shall provide the prosecuting attorney with any relevant documents, transcripts, or written statements. If the prosecuting attorney decides to prosecute the crime described in the information certified to the prosecuting attorney, or any other related crimes, the inspector general shall cooperate with the prosecuting attorney in the investigation and prosecution of the case. Upon request of the prosecuting attorney, the inspector general may participate on behalf of the state in any resulting criminal trial.

(b) If:

(1) the prosecuting attorney to whom the inspector general issues a certification under subsection (a):

(A) is disqualified from investigating or bringing a criminal prosecution in the matter addressed in the certification;

(B) does not file an information or seek an indictment not later than one hundred eighty (180) days after the date on which the inspector general certified the information to the prosecuting attorney; or

(C) refers the case back to the inspector general; and

(2) the inspector general finds that there may be probable cause to believe that a person identified in a certification under subsection (a)(1) has violated a criminal statute identified in a certification under subsection (a)(2);

the inspector general may request that the governor recommend the inspector general be appointed as a special prosecuting attorney under subsection (h) so that the inspector general may prosecute the matter addressed in the certification.

(c) The governor may recommend the inspector general be appointed as a special prosecuting attorney if:

(1) one (1) of the conditions set forth in subsection (b)(1) relating to the prosecuting attorney is met; and

(2) the governor finds that the appointment of the inspector general as a special prosecuting attorney is in the best interests of justice.

(d) If the governor has recommended the appointment of the inspector general as a special prosecuting attorney, the inspector general shall file a notice with the chief judge of the court of appeals, stating:

(1) that the governor has recommended that the inspector general be appointed as a special prosecutor;

(2) the name of the county in which the crime that the inspector general intends to prosecute is alleged to have been committed;

and

(3) that the inspector general requests the chief judge to assign a court of appeals judge to determine whether the inspector general should be appointed as a special prosecuting attorney.

Upon receipt of the notice, the chief judge of the court of appeals shall randomly select a judge of the court of appeals to determine whether the inspector general should be appointed as a special prosecuting attorney. The chief judge shall exclude from the random selection a judge who resided in the county in which the crime is alleged to have been committed at the time the judge was appointed to the court of appeals.

(e) The inspector general shall file a verified petition for appointment as a special prosecuting attorney with the court of appeals judge assigned under subsection (d). In the verified petition, the inspector general shall set forth why the inspector general should be appointed as a special prosecutor. The inspector general may support the verified petition by including relevant documents, transcripts, or written statements in support of the inspector general's position. The inspector general shall serve a copy of the verified petition, along with any supporting evidence, on the prosecuting attorney to whom the case was originally certified under subsection (a).

(f) The prosecuting attorney shall file a verified petition in support of or opposition to the inspector general's verified petition for appointment as a special prosecuting attorney not later than fifteen (15) days after receipt of the inspector general's verified petition for appointment as a special prosecuting attorney.

(g) Upon a showing of particularized need, the court of appeals judge may order the verified petitions filed by the inspector general and the prosecuting attorney to be confidential.

(h) After considering the verified petitions, the court of appeals judge may appoint the inspector general or a prosecuting attorney, other than the prosecuting attorney to whom the case was certified under this section, as a special prosecuting attorney if the judge finds that:

(1) one (1) of the conditions set forth in subsection (b)(1) is met; and

(2) appointment of a special prosecuting attorney is in the best interests of justice.

In making its determination under this subsection, the court of appeals judge shall consider only the arguments and evidence contained in the verified petitions.

(i) Except as provided in subsection (k), a special prosecuting attorney appointed under this section has the same powers as the prosecuting attorney of the county. However, the court of appeals judge shall:

(1) limit the scope of the special prosecuting attorney's duties as a special prosecuting attorney to include only the investigation

or prosecution of a particular case or particular grand jury investigation, including any matter that reasonably results from the investigation, prosecution, or grand jury investigation; and

(2) establish for a time certain the length of the special prosecuting attorney's term.

If the special prosecuting attorney's investigation or prosecution acquires a broader scope or requires additional time to complete, the court of appeals judge may at any time increase the scope of the special prosecuting attorney's duties or establish a longer term for the special prosecuting attorney.

(j) An inspector general or prosecuting attorney appointed to serve as a special prosecuting attorney may appoint one (1) or more deputies who are licensed to practice law in Indiana to serve as a special deputy prosecuting attorney. A special deputy prosecuting attorney is subject to the same statutory restrictions and other restrictions imposed on the special prosecuting attorney by the court of appeals, but otherwise has the same powers as a deputy prosecuting attorney.

(k) An inspector general or prosecuting attorney appointed to serve as a special prosecuting attorney under this section may bring a criminal charge only after obtaining an indictment from a grand jury. An inspector general or prosecuting attorney appointed under this section to serve as a special prosecuting attorney may not bring a criminal charge by filing an information.

(l) The inspector general or a deputy inspector general who is licensed to practice law in Indiana may serve as a special deputy prosecuting attorney under IC 33-39-10-3.

(m) If the court of appeals appoints a prosecuting attorney to serve as a special prosecuting attorney under this section, the inspector general shall reimburse the prosecuting attorney for the reasonable expenses of investigating and prosecuting the case.

As added by P.L.222-2005, SEC.14. Amended by P.L.57-2014, SEC.2.

IC 4-2-7-8

Confidentiality of informant; exceptions; records and disclosure; penalties

Sec. 8. (a) The identity of any individual who discloses in good faith to the inspector general information alleging a violation of a state or federal statute, rule, regulation, or ordinance is confidential and may not be disclosed to anyone other than the governor, the staff of the office of the inspector general, or an authority to whom the investigation is subsequently referred or certified, unless:

(1) the inspector general makes a written determination that it is in the public interest to disclose the individual's identity; or

(2) the individual consents in writing to disclosure of the individual's identity.

(b) The investigative records of the inspector general may be kept

confidential in whole or in part.

(c) This subsection does not apply to a person who is a party to an action brought by the inspector general. Information received by the inspector general is not required to be produced in the course of discovery unless ordered by a court after a showing of:

(1) particularized need; and

(2) proof that the information requested cannot be obtained from any other source.

(d) Except as provided in subsection (e), a person who knowingly or intentionally discloses:

(1) confidential information or records; or

(2) the identity of a person whose identity is confidential under subsection (a);

commits unlawful disclosure of confidential information, a Class A misdemeanor.

(e) A person may disclose confidential information or records or the identity of a person whose identity is confidential under subsection (a) if the governor authorizes the disclosure of this information in the public interest.

As added by P.L.222-2005, SEC.14.

IC 4-2-7-9

Statewide code of judicial conduct for administrative law judges

Sec. 9. (a) The inspector general shall adopt rules under IC 4-22-2 establishing a statewide code of judicial conduct for administrative law judges. The statewide code of judicial conduct for administrative law judges must apply to every person acting as an administrative law judge for a state agency.

(b) The inspector general:

(1) shall review 312 IAC 3-1-2.5 and 315 IAC 1-1-2 in adopting a statewide code of judicial conduct for administrative law judges; and

(2) may base the statewide code of judicial conduct for administrative law judges on 312 IAC 3-1-2.5 and 315 IAC 1-1-2.

(c) A state agency may adopt rules under IC 4-22-2 to establish a supplemental code of judicial conduct for a person acting as an administrative law judge for that agency, if the supplemental code is at least as restrictive as the statewide code of judicial conduct for administrative law judges.

(d) The inspector general may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement a statewide code of judicial conduct for administrative law judges.

(e) The statewide code of judicial conduct for administrative law judges shall be enforced under IC 4-21.5. The inspector general is not responsible for enforcing the statewide code of judicial conduct for administrative law judges or for investigating a possible violation of the statewide code.

As added by P.L.72-2014, SEC.2.

IC 4-2-8

Chapter 8. Registration and Reporting of Executive Branch Lobbyists

IC 4-2-8-1

Application of definitions

Sec. 1. The definitions in IC 4-2-6 and IC 4-2-7 apply throughout this chapter.

As added by P.L.89-2006, SEC.15.

IC 4-2-8-2

"Department"

Sec. 2. As used in this chapter, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

As added by P.L.89-2006, SEC.15.

IC 4-2-8-3

Executive branch lobbyists; registration statement; annual report; filing under oath

Sec. 3. (a) An executive branch lobbyist shall file the following with the department:

(1) A registration statement.

(2) An annual report as required by the department.

(b) Statements and reports filed under this section must be filed under oath.

As added by P.L.89-2006, SEC.15.

IC 4-2-8-4

Filing fees; late fees

Sec. 4. (a) The department shall charge each executive branch lobbyist an initial registration fee and an annual report filing fee set by rules adopted by the department under IC 4-22-2.

(b) In the rules adopted under this section, the department may provide for late fees for registration statements and annual reports that are filed late.

As added by P.L.89-2006, SEC.15.

IC 4-2-8-5

Filing materially incorrect statement or report; referral to inspector general; sanctions

Sec. 5. (a) If the department finds that:

(1) a statement or report required to be filed under this chapter was materially incorrect;

(2) the person filing the statement or report was requested to file a corrected statement or report; and

(3) a corrected statement or report has not been filed;

the department may refer the matter to the inspector general or, after a hearing conducted under IC 4-21.5-3, take action under subsection

(b).

(b) If the department makes a finding under subsection (a), the department may do either or both of the following:

(1) Revoke the registration of the person who has failed to file a corrected statement or report.

(2) For a finding made after June 30, 2007, assess a civil penalty on the person who has failed to file a corrected statement or report of not more than five hundred dollars ($500).

As added by P.L.89-2006, SEC.15.

IC 4-2-8-6

Failure to file statement or report; sanctions

Sec. 6. (a) The department may impose either or both of the following sanctions if, after a hearing under IC 4-21.5-3, the department finds that a person has failed to file a registration statement or a report required by this chapter:

(1) Revoke the person's registration.

(2) For a finding made after June 30, 2007, assess a civil penalty on the person of not more than five hundred dollars ($500).

(b) In imposing sanctions under this section, the department shall consider the following:

(1) Whether the failure to file the statement or report was willful or negligent.

(2) Any mitigating circumstances.

As added by P.L.89-2006, SEC.15.

IC 4-2-8-7

Rules; consultation with ethics commission and inspector general

Sec. 7. In consultation with the inspector general and the commission, the department may adopt rules under IC 4-22-2 to accomplish the duties given to the department under this chapter.

As added by P.L.89-2006, SEC.15.

IC 4-3

ARTICLE 3. GOVERNOR

IC 4-3-1

Chapter 1. The Governor

IC 4-3-1-1

Acts and joint resolutions of general assembly

Sec. 1. The governor shall cause all acts and joint resolutions passed by the general assembly to be deposited in the office of the secretary of state, and inform the house in which the same originated, thereof.

(Formerly: Acts 1852, 1RS, c.47, s.1.)

IC 4-3-1-2

Employment of counsel; fugitives from justice; recapture

Sec. 2. The governor may employ counsel to protect the interest of the state in any matter of litigation where the same is involved; and the expenses incurred under this section, and recapturing fugitives from justice, may be allowed by the governor and paid out of any money appropriated for that purpose.

(Formerly: Acts 1852, 1RS, c.47, s.2.) As amended by P.L.215-2016, SEC.11.

IC 4-3-1-3

Official bonds; suits

Sec. 3. For breach of the condition of any official bond, by which the state is injured, the governor shall direct suit to be brought upon the governor's relation, unless otherwise provided by law; and all costs taxed against the relator shall be paid by the state.

(Formerly: Acts 1852, 1RS, c.47, s.4.) As amended by P.L.215-2016, SEC.12.

IC 4-3-1-4

Expenses; contingent fund

Sec. 4. The expenses of the necessary furniture, fuel, stationery, and postage of the governor, and such contingent fund as may be appropriated, shall be paid out of the treasury of the state, on the order of the auditor, as in other cases.

(Formerly: Acts 1852, 1RS, c.47, s.6.)

IC 4-3-1-5

Officers and judges commissioned by governor

Sec. 5. The governor shall commission the following:

(1) All officers designated in the Constitution of the State of Indiana other than members of the general assembly.

(2) All officers elected by the general assembly.

(3) All officers appointed by the governor.

(4) All judges.

(5) All electors and alternate electors for President and Vice President of the United States.

As added by P.L.3-1987, SEC.492. Amended by P.L.3-1993, SEC.238.

IC 4-3-1-6

Location of residence

Sec. 6. The governor must reside at the seat of government as provided in Article 6, Section 5 of the Constitution of the State of Indiana.

As added by P.L.3-1987, SEC.493.

IC 4-3-2
Repealed

(Repealed by Acts 1979, P.L.19, SEC.4.)

IC 4-3-3

Chapter 3. Pensions for Former Governors and Surviving Spouses

IC 4-3-3-1

Repealed

(Repealed by Acts 1980, P.L.9, SEC.5.)

IC 4-3-3-1.1

Retirement benefit of governor; eligibility; elections; limitations; payment

Sec. 1.1. (a) An individual who holds the office of governor for any length of time during one (1) term of that office is entitled to receive an annual retirement benefit under subsection (e). However, an individual who succeeds to the office of governor without being elected is not entitled to an annual retirement benefit under this section unless such person serves for more than one (1) year of the term of the office.

(b) An individual who holds the office of governor for any length of time during each of two (2) separate terms of that office is entitled to receive an annual retirement benefit under subsection (f).

(c) If an individual who holds the office of governor resigns or is removed from office, during a term of that office, for any reason except a mental or physical disability that renders the individual unable to discharge the powers and duties of the office, then the term during which the individual resigned or was removed may not be considered for determining the individual's annual retirement benefit under this section.

(d) The retirement benefit shall be paid in equal monthly installments by the treasurer of state on warrant of the auditor of state after a claim has been made for the retirement benefit to the auditor by the governor or a person acting on the governor's behalf. A governor shall choose the date on which the governor will begin receiving the governor's retirement benefit. However, the date must be the first state employee payday of a month. A governor may not receive the retirement benefit as long as the governor holds an elective position with any federal, state, or local governmental unit, and the governor may not receive the retirement benefit until the governor has reached at least age sixty-two (62) years. The governor's choice of initial benefit payment date and the governor's choice of benefit payment amount under subsections (e) and (f) are revocable until the governor receives the first monthly installment of the governor's retirement benefit. After that installment is received, the choice of date and the choice of amount are irrevocable.

(e) With respect to a governor who is entitled to a retirement benefit under subsection (a):

(1) if the governor chooses to begin receiving the governor's retirement benefit on or after the date the governor reaches age

sixty-two (62) years but before the governor reaches age sixty-five (65) years, the governor may choose to receive:

(A) the retirement benefits the governor is entitled to, if any, from the public employees' retirement fund; or

(B) thirty percent (30%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of the governor's life; or

(2) if the governor chooses to begin receiving the governor's retirement benefit on or after the date the governor reaches age sixty-five (65) years, the governor may choose to receive:

(A) the retirement benefits the governor is entitled to, if any, from the public employees' retirement fund; or

(B) forty percent (40%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of the governor's life.

(f) With respect to a governor who is entitled to a retirement benefit under subsection (b):

(1) if the governor chooses to begin receiving the governor's retirement benefit on or after the date the governor reaches age sixty-two (62) years but before the governor reaches age sixty-five (65) years, the governor may choose to receive:

(A) the retirement benefits the governor is entitled to, if any, from the public employees' retirement fund; or

(B) forty percent (40%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of the governor's life; or

(2) if the governor chooses to begin receiving the governor's retirement benefit on or after the date the governor reaches age sixty-five (65) years, the governor may choose to receive:

(A) the retirement benefits the governor is entitled to, if any, from the public employees' retirement fund; or

(B) fifty percent (50%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of the governor's life.

As added by Acts 1980, P.L.9, SEC.1. Amended by P.L.6-1996, SEC.1; P.L.22-1998, SEC.1; P.L.13-2013, SEC.4.

IC 4-3-3-2

Pension of surviving spouse; election; limitations; payment

Sec. 2. (a) The surviving spouse of each individual who:

(1) serves as governor; and

(2) is entitled to a retirement benefit under section 1.1 of this chapter;

is entitled to an annual pension.

(b) The pension to which a governor's surviving spouse is entitled under this section shall be paid in equal monthly installments by the treasurer of state on warrant of the auditor of state after a claim has been made for the pension to the auditor by:

(1) the surviving spouse; or

(2) a person acting on behalf of the surviving spouse.

(c) The annual pension to which a governor's surviving spouse is entitled under this section is equal to the following:

(1) For the surviving spouse of a governor who died before July 1, 1998, the greater of:

(A) the annual retirement benefit received by the surviving spouse during the year beginning July 1, 1998; or

(B) ten thousand dollars ($10,000).

(2) For the surviving spouse of a governor who dies after June 30, 1998, the greater of:

(A) fifty percent (50%) of the annual retirement benefit that the governor to whom the surviving spouse was married was receiving or was entitled to receive on the date of the governor's death; or

(B) ten thousand dollars ($10,000).

(d) The surviving spouse of a governor must make the election required under subsection (c)(1) or (c)(2). Once a surviving spouse has received any pension payment under this section, the election is irrevocable.

(e) A governor's surviving spouse is entitled to receive the pension provided under this section for life.

(f) Notwithstanding any other law to the contrary, the pension provided under this section is in addition to any other retirement benefits a governor's surviving spouse is entitled to receive.

As added by Acts 1980, P.L.9, SEC.2. Amended by P.L.195-1999, SEC.6; P.L.97-2004, SEC.13; P.L.177-2014, SEC.1.

IC 4-3-3-3

Application of chapter

Sec. 3. This chapter applies to any governor of Indiana regardless of whether the governor's service occurred before, on, or after January 14, 1981, and to the surviving spouse of any governor.

As added by Acts 1980, P.L.9, SEC.3. Amended by P.L.215-2016, SEC.13.

IC 4-3-4

Chapter 4. Reports of State Agencies to Governor-Elect

IC 4-3-4-1

Contents of reports; plans and estimates for improvements

Sec. 1. It shall be the duty of every state institution, office, board, bureau, society, commission, or other organization which receives an appropriation from the state, to furnish to the governor elect of the state, upon the governor elect's request, within six (6) days after each general election in November, the information in relation to the management, control, receipts, expenditures, and needs of the state institution, office, board, bureau, society, commission, or other organization as the governor may require and in the form as the governor may prescribe and to furnish plans and reliable estimates for all improvements for which appropriations are to be requested from the next general assembly.

(Formerly: Acts 1905, c.64, s.1.) As amended by Acts 1979, P.L.17, SEC.1; P.L.215-2016, SEC.14.

IC 4-3-5

Chapter 5. State Services and Space Made Available to Governor-Elect

IC 4-3-5-1

Office space; equipment; telephone

Sec. 1. The governor shall direct the property management division of the department of administration to provide a governor-elect with office space, office equipment, and telephone service, for the period between the election and the inauguration.

(Formerly: Acts 1963, c.143, s.1.)

IC 4-3-5-2

State budget; revenue estimate

Sec. 2. The budget agency shall make available to a governor elect and the governor elect's designated representatives information on the following:

(1) All information and reports used in the preparation of the state budget.

(2) All information on projected income and revenue estimates for the state.

(Formerly: Acts 1963, c.143, s.2.) As amended by P.L.215-2016, SEC.15.

IC 4-3-5-3

Successors to heads of state agencies; furnishing information

Sec. 3. The designated department, agency, commission, and/or division heads will supply their successors with all necessary documents and information vital to the continued operation of the department.

(Formerly: Acts 1963, c.143, s.3.)

IC 4-3-6

Chapter 6. Governor Authorized to Present Reorganization Plans for State Agencies to the General Assembly

IC 4-3-6-1

Title of act

Sec. 1. This chapter shall be known and may be cited as the "Reorganization Act of 1967".

(Formerly: Acts 1967, c.9, s.1.) As amended by P.L.5-1984, SEC.9.

IC 4-3-6-2

Definitions

Sec. 2. As used in this chapter:

(1) "Agency" means any executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the state government not provided for by the constitution. The term "agency" does not include the secretary of state, the auditor of state, the treasurer of state, the lieutenant governor, the state superintendent of public instruction, and the attorney general, nor the departments of which they are, by the statutes first adopted setting out their duties, the administrative heads.

(2) "Reorganization" means:

(A) the transfer of the whole or any part of any agency, or of the whole or any part of the functions of an agency, to the jurisdiction and control of any other agency;

(B) the abolition of all or any part of the functions of any agency;

(C) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions of an agency, with the whole or any part of any other agency or the functions of a an agency;

(D) the consolidation or coordination of any part of any agency or the functions of an agency, with any other part of the same agency or the functions of the agency;

(E) the authorization of any officer to delegate any of the officer's functions; or

(F) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

(Formerly: Acts 1967, c.9, s.2.) As amended by P.L.5-1984, SEC.10; P.L.215-2016, SEC.16.

IC 4-3-6-3

Purposes of reorganization

Sec. 3. (a) The governor shall examine, and from time to time reexamine, the organization of all agencies of the state government,

and shall determine what changes therein are necessary to accomplish the following purposes:

(1) To promote the better execution of the laws, the more effective management of the executive and administrative branch of the government and of its agencies and functions, and expeditious administration of the public business.

(2) To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the government.

(3) To increase the efficiency of the operations of the government to the fullest extent practicable.

(4) To group, coordinate, and consolidate agencies and functions of the government, as nearly as possible according to major purposes.

(5) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the government.

(6) To eliminate overlapping and duplication of effort.

(7) To increase the control of the electorate over the policy making functions of government.

(b) The general assembly declares that the public interest demands the carrying out of the purposes specified in this section, and that these purposes may be accomplished in great measure by proceeding under the provisions of this chapter.

(Formerly: Acts 1967, c.9, s.3.) As amended by P.L.5-1984, SEC.11.

IC 4-3-6-4

Governor; preparation of plan; message to general assembly

Sec. 4. Whenever the governor, after investigation, finds that:

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;

(2) the abolition of all or any part of the functions of any agency;

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof;

(5) the authorization of any officer to delegate any of that officer's functions; or

(6) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganization plan will not have any functions;

is necessary to accomplish one (1) or more of the purposes of this chapter, the governor shall prepare a reorganization plan for

accomplishing the changes in government indicated by the governor's findings included in the plan, and shall submit the plan in an electronic format under IC 5-14-6 to the general assembly, together with a declaration that, with respect to each reorganization included in the plan the governor has found that the reorganization is necessary to accomplish one (1) or more of the purposes of this chapter. The governor, in the message submitting a reorganization plan, shall specify, with respect to each abolition of a function included in the plan, the statutory authority for the exercise of the function, and shall specify the reduction of expenditures which it is probable will be brought about by the taking effect of the reorganizations included in the plan.
(Formerly: Acts 1967, c.9, s.4.) As amended by P.L.5-1984, SEC.12; P.L.17-1985, SEC.1; P.L.28-2004, SEC.15.

IC 4-3-6-5
Name of agencies; personnel; transfer of records and property; unexpended balances of appropriation; enumerating statutes repealed

Sec. 5. Any reorganization plan submitted by the governor under this chapter:

(a) shall change, in cases the governor deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(b) may include provisions for the appointment and compensation of the head and one (1) or more other officers of any agency, including an agency resulting from a consolidation or other type of reorganization, if the governor finds, and in the governor's message submitting the plan declares, that by reason of a reorganization made by the plan the provisions are necessary. The head may be an individual, or may be a commission or board with two (2) or more members. The terms of office of any appointee shall not be fixed at more than four (4) years. The compensation shall not be at a rate in excess of that found by the governor to prevail in respect of comparable officers in the executive and administrative branch;

(c) shall make provisions for the transfer or other disposition of the records, property, and personnel affected by any reorganization;

(d) shall make provision for the transfer of the unexpended balances of appropriations, and of other funds, available for use in connection with any function or agency affected by a reorganization, as the governor deems necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which has the functions after the reorganization plan is effective. Unexpended balances transferred shall be used only

for the purposes for which the appropriation was originally made;

(e) shall make provision for terminating the affairs of any agency abolished; and

(f) shall enumerate all statutes which may be repealed if the reorganization plan becomes effective.

(Formerly: Acts 1967, c.9, s.5.) As amended by P.L.5-1984, SEC.13; P.L.215-2016, SEC.17.

IC 4-3-6-6

Effect of plans

Sec. 6. No reorganization plan shall provide for, and no reorganization under this chapter shall have the effect of:

(a) abolishing or transferring a constitutional office or the attorney general or the functions thereof, or consolidating any two (2) such offices or the functions provided such offices in the first statute prescribing the functions and duties of such offices;

(b) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

(c) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made; or

(d) increasing the term of any office beyond that provided by law for the office.

(Formerly: Acts 1967, c.9, s.6.) As amended by P.L.5-1984, SEC.14.

IC 4-3-6-7

Presenting plan to general assembly in form of bill; enactment

Sec. 7. (a) Each reorganization plan shall be presented by the governor to the general assembly in the form of a bill.

(b) Each reorganization plan so submitted by the governor shall take effect if and when it is enacted as a law by the general assembly in accordance with the constitution of the state of Indiana.

(Formerly: Acts 1967, c.9, s.7.)

IC 4-3-6-8

Effect of reorganization; regulations and other actions; vested functions

Sec. 8. (a) An act and any regulation or other action made, prescribed, issued, granted, or performed in respect of or by any agency or function affected by a reorganization under this chapter, before the effective date of the reorganization, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, have the same effect as if the reorganization had not been made. If any such act, regulation, or other action has vested the function in the agency

from which it is removed under the plan, the function shall, insofar as it is to be exercised after the plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.

(b) As used in this section, "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation, or other action.

(Formerly: Acts 1967, c.9, s.8.) As amended by P.L.5-1984, SEC.15.

IC 4-3-6-9

Survival of actions; time for motion to allow

Sec. 9. No legal action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the state, in the head's or other officer's official capacity or in relation to the discharge of the head's or other officer's official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this chapter. The court may, on motion or supplemental petition filed at any time within twelve (12) months after the reorganization plan takes effect, showing a necessity for a survival of the action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of the head or officer under the reorganization effected by the plan or, if there is no successor, against the agency or officer as the governor shall designate.

(Formerly: Acts 1967, c.9, s.9.) As amended by P.L.5-1984, SEC.16; P.L.215-2016, SEC.18.

IC 4-3-7
Repealed

(Repealed by P.L.12-1983, SEC.24.)

IC 4-3-7.5
Repealed

(Repealed by Acts 1980, P.L.74, SEC.434.)

IC 4-3-8
Repealed

(Repealed by Acts 1982, P.L.21, SEC.60.)

IC 4-3-9

Chapter 9. Transfer of Land to United States Government for Location of Federal Projects in Indiana

IC 4-3-9-1

Definitions

Sec. 1. As used in this chapter:

(1) "Agency of the state" means any officer, agency, department, board, bureau, commission, division or institution of the state of Indiana, the trustees or board of directors of any corporation of the state or body politic of the state supported in whole or in part by appropriations from the state, and the trustees of any state-supported university.

(2) "Land" means both unimproved and improved land.

(3) "Title" and "interest in land" means both legal and equitable title and interest in land.

(4) "Transfer" means a gift, grant, conveying, exchange, lease, or sale.

(5) "United States of America" shall include the United States government and any agency or entity thereof.

As added by Acts 1977, P.L.25, SEC.1.

IC 4-3-9-2

Location of federal educational, scientific, or research projects within state; transfer of lands to United States

Sec. 2. Whenever the governor of the state of Indiana deems it necessary or desirable for the purposes of securing the location in the state of a proposed educational, scientific, or research project or facility, the governor is authorized to transfer to the United States of America any interest in lands which the state holds if that land is utilized for the proposed project or facility. The state, by its governor, may transfer such interest without consideration, or for a nominal or substantial sum, or for a period of years, or in exchange for lands of the United States, or on such other terms as the governor shall find advantageous to the state of Indiana in obtaining the location of the project or facility within the state of Indiana.

As added by Acts 1977, P.L.25, SEC.1.

IC 4-3-9-3

Instruments of conveyance; execution; requisites

Sec. 3. The governor is authorized to execute all deeds or other instruments of conveyance which, in the governor's judgment, are proper or necessary for the transfer of title to land or any interest by the state of Indiana to the United States of America under section 2 of this chapter, in the following form and manner: Every deed or conveyance shall be executed in the name of the state of Indiana, signed by the governor of the state of Indiana, with the seal of the state of Indiana affixed thereto and shall be approved as to legality

and form by the attorney general of Indiana.
As added by Acts 1977, P.L.25, SEC.1. Amended by P.L.215-2016, SEC.19.

IC 4-3-9-4
State lands; transfer; valuation; allocation of funds to controlling agencies; revenue bonds; payment; separate sinking fund; damages

Sec. 4. (a) When title to land that is to be transferred to the United States of America under this chapter is held in the name of the state of Indiana, and that land has not been declared surplus and is under the jurisdiction and control of any agency of the state, the state budget agency, with approval of the governor, shall allocate and transfer to that agency of the state from any funds which may be appropriated for use to accomplish the purposes of this chapter, an amount of money which equals the value of the land transferred.

(b) The value shall be determined by three (3) disinterested appraisers appointed by the governor. The appraisers shall be residents of the state of Indiana. The allocation of funds shall be in addition to any other appropriations made to that agency of the state. In the event that revenue from the land described in this section and transferred to the United States of America under this chapter is pledged as security for bonds issued and outstanding, the money appropriated by this section shall be held by the treasurer of the state of Indiana in a separate sinking fund to be used only for the purposes of paying the interest and principal of the bonds as they become due, and for no other purpose, until the time the bonds are retired. The funds shall be deposited by the treasurer of the state of Indiana, under the provisions of IC 5-13, at interest, and interest earned by reason of deposit shall be credited to and belong to the fund. Any person, firm, limited liability company, or corporation who is the holder of any of the bonds at the time the governor announces the governor's intention to transfer the land to the United States of America and who is aggrieved by the amount of money allocated and transferred to a sinking fund created under this section, shall have the right to seek bondholders' damages which may not exceed the face value of the bonds.
As added by Acts 1977, P.L.25, SEC.1. Amended by P.L.19-1987, SEC.1; P.L.8-1993, SEC.8; P.L.215-2016, SEC.20.

IC 4-3-9-5
University lands; transfer to state; allocation of funds

Sec. 5. In the event that any land or interest in land which the governor determines necessary or desirable to transfer to the United States of America pursuant to this chapter is in the name of the board of trustees of a state-supported university, the board of trustees of that university may, if not inconsistent with the terms and conditions of the gift, bequest or devise, if any, by which the university received the land or interest in land, transfer such interest to the state of

Indiana without consideration, or for a nominal or substantial sum, or for a period of years, or in exchange for lands of the state, or on such other terms as the governor and the board of trustees of the university may agree. The state budget agency, with the approval of the governor, shall allocate and transfer to the university from any funds which may be appropriated for use to accomplish the purposes of this chapter any sum of money agreed upon by the governor and the board of trustees pursuant to this section. The allocation of funds shall be in addition to, and not a part of, any other appropriation made to the university.
As added by Acts 1977, P.L.25, SEC.1.

IC 4-3-9-6
Title to land not in state; acquisition

Sec. 6. If the title to any land which the governor determines necessary or desirable to transfer to the United States of America pursuant to this chapter is not in the name of the state of Indiana at the time of the determination, the governor is authorized to acquire that land by gift, bequest, devise, exchange, purchase, or other agreement.
As added by Acts 1977, P.L.25, SEC.1.

IC 4-3-9-7
Repealed

(Repealed by P.L.17-1986, SEC.15.)

IC 4-3-9-8
Repealed

(Repealed by P.L.17-1986, SEC.15.)

IC 4-3-10
Repealed

(Repealed by Acts 1980, P.L.11, SEC.8.)

IC 4-3-10.1
Repealed

(Repealed by P.L.43-1983, SEC.17.)

IC 4-3-11
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-3-12
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-3-12.5
Repealed

(Repealed by P.L.15-1989, SEC.12.)

IC 4-3-13
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-3-14
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-3-15
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-3-16
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-3-17

Chapter 17. Hoosier Alliance Against Drugs

IC 4-3-17-1

"Board" defined

Sec. 1. As used in this chapter, "board" refers to the board of directors of the corporation.

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

IC 4-3-17-2

"Corporation" defined

Sec. 2. As used in this chapter, "corporation" refers to the Hoosier alliance against drugs established under this chapter.

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

IC 4-3-17-3

Establishment of corporation; prerequisites

Sec. 3. The governor may request, on behalf of the state, the establishment of a private not-for-profit corporation named the Hoosier alliance against drugs. The corporation may not commence operations or perform the functions listed in section 4 of this chapter until:

(1) articles of incorporation for the corporation have been filed with, and a certificate of incorporation has been issued by, the secretary of state;

(2) the corporation has conducted a public hearing for the purpose of giving all interested parties an opportunity to review and comment upon the articles of incorporation, bylaws, and proposed methods of operation of the corporation; and

(3) the governor has certified to the secretary of state that all requirements set forth in this chapter for the corporation have been satisfied.

Notice of the hearing under subdivision (2) must be given at least fourteen (14) days before the hearing in accordance with IC 5-14-1.5-5(b).

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

IC 4-3-17-4

Articles of incorporation or bylaws; merger

Sec. 4. (a) The articles of incorporation or bylaws of the corporation, as appropriate, must provide that:

(1) the exclusive purpose of the corporation is to provide grants and serve as a resource for education programs on drug and alcohol abuse, by providing assistance to persons or entities involved with:

(A) coordinating the activities of all parties having a role in drug and alcohol abuse education and prevention; and

(B) educating and assisting local communities in educating

Indiana citizens on the problems of drug and alcohol abuse;

(2) the board must include:

(A) the governor or the governor's designee;

(B) the state health commissioner or the commissioner's designee; and

(C) additional persons appointed by the governor, who have knowledge or experience in drug or alcohol education programs;

(3) the governor shall designate a member of the board to serve as chairman of the board;

(4) the board shall select any other officers it considers necessary, such as a vice chairman, treasurer, or secretary;

(5) the chairman of the board may appoint any subcommittees that the chairman considers necessary to carry out the duties of the corporation;

(6) with the approval of the governor, the corporation may appoint a president, who shall serve as the chief operating officer of the corporation and who may appoint staff or employ consultants to carry out the corporation's duties under this chapter, including personnel to receive or disseminate information that furthers the goals of the corporation;

(7) the corporation may receive funds from any source (including state appropriations), may enter into contracts, and may expend funds for any activities necessary, convenient, or expedient to carry out its purposes;

(8) any amendments to the articles of incorporation or bylaws of the corporation must be approved by the board;

(9) the corporation shall submit an annual report to the governor, lieutenant governor, and chairman of the legislative council before December 31 of each year;

(10) the corporation shall conduct an annual public hearing to receive comments from interested parties regarding the annual report, and notice of the hearing shall be given at least fourteen (14) days before the hearing in accordance with IC 5-14-1.5-5(b); and

(11) the corporation is subject to audit by the state board of accounts, and the corporation shall bear the full costs of this audit.

An annual report described in subdivision (9) that is submitted to the chairman of the legislative council must be in an electronic format under IC 5-14-6.

(b) The corporation may perform other acts necessary, convenient, or expedient to carry out its purposes under this chapter and has all the rights, powers, and privileges granted to corporations by IC 23-17 and by common law.

(c) With the approval of the governor, the corporation may merge with an entity with similar purposes. If the corporation merges with another entity under this subsection, the governor shall revoke the

certification under section 7 of this chapter.
As added by P.L.16-1989, SEC.1. Amended by P.L.12-1990, SEC.1; P.L.179-1991, SEC.5; P.L.23-1995, SEC.1; P.L.28-2004, SEC.21; P.L.181-2015, SEC.1.

IC 4-3-17-5
Duties of corporation

Sec. 5. After being certified by the governor under section 3 of this chapter, the corporation shall do the following:

(1) Conduct an ongoing analysis of the educational programs being used by communities to alleviate the problem of drug and alcohol abuse.

(2) Develop, update, and oversee the implementation of a plan to maintain and strengthen communities in educating Indiana citizens of the problems with drug and alcohol abuse.

(3) Cooperate with individuals and organizations from the private sector in developing, implementing, and promoting drug and alcohol abuse education programs.

(4) Cooperate with federal, state, and local government agencies in matters concerning the corporation's purposes.

(5) Advise the governor and lieutenant governor concerning state programs or activities that may affect drug and alcohol education in Indiana.

(6) Conduct marketing and promotional programs necessary to implement its plans.

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

IC 4-3-17-6
Debt of corporation not state liability

Sec. 6. A debt incurred by the corporation under the authority of this chapter does not represent or constitute a debt of the state within the meaning of the Constitution of the State of Indiana or Indiana law.
As added by P.L.16-1989, SEC.1.

IC 4-3-17-7
Duration

Sec. 7. The certification by the governor under section 3 of this chapter remains in effect until:

(1) the governor revokes the certification in writing and transmits a copy of the revocation to the president of the corporation and to the secretary of state; or

(2) the general assembly provides by law for termination of the designation.

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

IC 4-3-19

Chapter 19. Public Highway Private Enterprise Review Board

IC 4-3-19-1

"Board" defined

Sec. 1. As used in this chapter, "board" refers to the public highway private enterprise review board established by section 5 of this chapter.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-2

"Department" defined

Sec. 2. As used in this chapter, "department" means:

(1) the Indiana department of transportation established under IC 8-23-2-1; or

(2) a public highway department that is:

(A) under the political control of a unit (as defined in IC 36-1-2-23); and

(B) involved in the construction, maintenance, or repair of a public highway (as defined in IC 9-25-2-4).

As added by P.L.12-1991, SEC.1.

IC 4-3-19-3

"Person" defined

Sec. 3. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, or other legal entity.

As added by P.L.12-1991, SEC.1. Amended by P.L.8-1993, SEC.11.

IC 4-3-19-4

"Public highway" defined

Sec. 4. As used in this chapter, "public highway" has the meaning set forth in IC 9-25-2-4.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-5

Establishment of board

Sec. 5. The public highway private enterprise review board is established.

As added by P.L.12-1991, SEC.1. Amended by P.L.1-1994, SEC.8.

IC 4-3-19-6

Membership; appointment

Sec. 6. The board consists of fifteen (15) members as follows:

(1) Eleven (11) voting members appointed by the governor.

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

(3) Two (2) advisory members appointed by the president pro

tempore of the senate.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-7
Appointment of voting members; conditions
Sec. 7. The members appointed by the governor must include at least the following:
(1) Two (2) representatives of small business.
(2) One (1) representative of the Indiana State Building Trades Council.
(3) One (1) representative from the Indiana State AFL-CIO.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-8
Appointment of voting members; political affiliation
Sec. 8. Not more than six (6) of the board members appointed by the governor may be members of the same political party.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-9
Appointment of advisory members by speaker; conditions
Sec. 9. The members appointed by the speaker of the house of representatives:
(1) must be members of the house of representatives when appointed; and
(2) may not be members of the same political party.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-10
Appointment of advisory members by president pro tempore; conditions
Sec. 10. The members appointed by the president pro tempore of the senate:
(1) must be members of the senate when appointed; and
(2) may not be members of the same political party.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-11
Voting members; term
Sec. 11. A member appointed by the governor serves a term of four (4) years.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-12
Advisory members; term
Sec. 12. The term of an advisory member expires on the date of the next general election following the appointment.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-13
Voting members; vacancies

Sec. 13. A member appointed by the governor vacates the member's seat on the board if the member becomes a member of the general assembly.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-14
Advisory members; vacancies

Sec. 14. A member described under section 9 or 10 of this chapter vacates the member's seat on the board whenever the member ceases to be a member of the chamber of the general assembly that the member represented when the member was appointed.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-15
Appointments to vacancies

Sec. 15. The appointing authority shall fill a vacancy on the board for the unexpired term.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-16
Compensation; expense reimbursements

Sec. 16. Each member of the board who is not an elected official is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each board member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-17
Chairman; appointment

Sec. 17. The governor shall appoint the chairman of the board before August 1 of each year.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-18
Meetings

Sec. 18. The board shall meet at the call of the chairman.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-19
Quorum

Sec. 19. A quorum for a meeting of the board consists of six (6) voting members.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-20
Votes required for action
Sec. 20. Eight (8) affirmative votes are required for the board to take action.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-21
Voting restrictions; advisory members
Sec. 21. An advisory member may not vote on a question before the board.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-22
Duties
Sec. 22. The board shall review Indiana statutes, rules, and practices to determine if legislation is desirable to restrict or prohibit governmental competition with private enterprise in the area of:
(1) construction;
(2) maintenance; or
(3) repair;
of a public highway.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-23
Complaints against a department; filing requirements
Sec. 23. A person who believes that a department has violated IC 8-23-9, IC 8-23-11, or IC 36-1-12-3 may file a written complaint with the board. The complaint must set forth the alleged violation.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-24
Transmission of complaint to department
Sec. 24. The board shall transmit a copy of a complaint that complies with section 23 of this chapter to the department.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-25
Responses; requirements for submission
Sec. 25. A department named in a complaint may submit a written response to the board not later than forty-five (45) days after the board transmits a copy of the complaint.
As added by P.L.12-1991, SEC.1.

IC 4-3-19-26
Responses; contents
Sec. 26. A response under section 25 of this chapter may indicate whether the allegation is true or false and whether the department has taken remedial action.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-27
Hearings; issuance of advisory opinions

Sec. 27. The board shall hold a hearing on the complaint and issue an advisory opinion to the department.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-28
Advisory opinions; requirements

Sec. 28. The opinion issued under section 27 of this chapter must:

(1) state whether the department has violated IC 8-23-9, IC 8-23-11, or IC 36-1-12-3; and

(2) be forwarded to the person who filed the complaint and the department not later than sixty (60) days after the hearing is conducted.

As added by P.L.12-1991, SEC.1.

IC 4-3-19-29
Report; contents

Sec. 29. The board shall submit a report to the governor and the legislative council before November 1 of each year. The report must include the findings and recommendations of the board. The report submitted to the legislative council must be in an electronic format under IC 5-14-6.

As added by P.L.12-1991, SEC.1. Amended by P.L.28-2004, SEC.22.

IC 4-3-20
Repealed
(Repealed by P.L.22-2005, SEC.51.)

IC 4-3-21

Chapter 21. Military Base Planning Council

IC 4-3-21-1

"Council"

Sec. 1. As used in this chapter, "council" refers to the military base planning council established by section 3 of this chapter.

As added by P.L.5-2005, SEC.1.

IC 4-3-21-2

"Military base"

Sec. 2. As used in this chapter, "military base" means a United States or an Indiana government military installation that:

(1) has an area of at least sixty thousand (60,000) acres and is used for the design, construction, maintenance, and testing of electronic devices and ordnance;

(2) has an area of at least nine hundred (900) acres and serves as an urban training center for military units, civilian personnel, and first responders; or

(3) has an area of at least five thousand (5,000) acres and serves as a joint training center for active and reserve components of the armed forces of the United States.

As added by P.L.5-2005, SEC.1. Amended by P.L.180-2006, SEC.1.

IC 4-3-21-3

Council established

Sec. 3. The military base planning council is established.

As added by P.L.5-2005, SEC.1.

IC 4-3-21-4

Council membership

Sec. 4. The council consists of the following members:

(1) Each member of the house of representatives whose house district includes all or part of a county that contains any part of a military base.

(2) Each member of the senate whose senate district includes all or part of a county that contains any part of a military base.

(3) The lieutenant governor or the lieutenant governor's designee.

(4) The adjutant general or the adjutant general's designee.

(5) The commissioner of the department of environmental management or the commissioner's designee.

(6) The commissioner of the Indiana department of transportation or the commissioner's designee.

(7) The executive director of the department of homeland security or the executive director's designee.

(8) The commissioner of the department of workforce development or the commissioner's designee.

(9) The president of the Indiana economic development corporation or the president's designee.
(10) The director of the Indiana office of defense development.
(11) The following local government representatives:
(A) One (1) member of the county executive of each county that contains all or part of a military base, appointed by the county executive.
(B) One (1) member of the county fiscal body of each county that contains all or part of a military base, appointed by the county fiscal body.
(C) One (1) member:
(i) who is the executive of the municipality having the largest population in each county that contains all or part of a military base if that municipality is a city; or
(ii) who is appointed from the membership of the fiscal body of that town, if a town is the municipality having the largest population in the county.
(D) One (1) member of the legislative body of the municipality having the largest population in each county that contains a military base, appointed by the legislative body of that municipality.
(E) One (1) member of the county executive of each county listed in IC 36-7-30.5-10(4) through IC 36-7-30.5-10(6), appointed by the county executive.

As added by P.L.5-2005, SEC.1. Amended by P.L.180-2006, SEC.2; P.L.34-2013, SEC.1.

IC 4-3-21-5
Council per diem and travel expenses

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

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

(c) Each member of the council who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel

allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.
As added by P.L.5-2005, SEC.1.

IC 4-3-21-6
Council chairperson
Sec. 6. The governor shall designate a member of the council to serve as chairperson of the council.
As added by P.L.5-2005, SEC.1.

IC 4-3-21-7
Council meetings
Sec. 7. The council shall meet at the call of the chairperson.
As added by P.L.5-2005, SEC.1.

IC 4-3-21-8
Council staff
Sec. 8. The governor shall provide staff assistance as the council may require.
As added by P.L.5-2005, SEC.1.

IC 4-3-21-9
Legislators; nonvoting members
Sec. 9. A member of the council who is a member of the general assembly is a nonvoting member.
As added by P.L.5-2005, SEC.1.

IC 4-3-21-10
Council action
Sec. 10. The affirmative votes of a majority of the voting members of the council are required for the council to take action on any measure, including reports required in section 12 of this chapter.
As added by P.L.5-2005, SEC.1.

IC 4-3-21-11
Council duties
Sec. 11. The council shall do the following:
(1) Identify the public infrastructure and other community support necessary:
(A) to improve mission efficiencies; and
(B) for the development and expansion;
of military bases in Indiana.
(2) Identify existing and potential impacts of encroachment on military bases in Indiana.
(3) Identify potential state and local government actions that can:
(A) minimize the impacts of encroachment on; and

(B) enhance the long term potential of;

military bases.

(4) Identify opportunities for collaboration among:

(A) the state, including the military department of the state;

(B) political subdivisions;

(C) military contractors; and

(D) academic institutions;

to enhance the economic potential of military bases and the economic benefits of military bases to the state.

(5) Review state policies, including funding and legislation, to identify actions necessary to prepare for the United States Department of Defense Efficient Facilities Initiative scheduled to begin in 2005.

(6) Study how governmental entities outside Indiana have addressed issues regarding encroachment and partnership formation described in this section.

(7) With respect to a multicounty federal military base under IC 36-7-30.5:

(A) vote to require the establishment of the development authority under IC 36-7-30.5, if necessary; and

(B) advise and submit recommendations to a development authority board appointed under IC 36-7-30.5.

As added by P.L.5-2005, SEC.1. Amended by P.L.203-2005, SEC.1.

IC 4-3-21-12

Council report

Sec. 12. The council shall submit a report to the:

(1) governor; and

(2) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

As added by P.L.5-2005, SEC.1.

IC 4-3-22

Chapter 22. Office of Management and Budget

IC 4-3-22-1

Legislative findings

Sec. 1. The state will benefit from devoting adequate resources to do the following:

(1) Gather and coordinate data in a timely manner.

(2) Perform comprehensive and detailed budgeting analysis.

(3) Put in place comprehensive and effective budgeting practices.

(4) Coordinate all functions related to budgeting and controlling spending in state government.

(5) Perform comprehensive and detailed financial analysis.

(6) Perform comprehensive financial oversight.

(7) Ensure that effective financial management policies are implemented throughout state government.

(8) Perform comprehensive and detailed performance analysis.

(9) Ascertain whether the burdens imposed by laws and rules are justified by their benefits using a rigorous cost benefit analysis.

(10) Measure the performance of government activities.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-1.5

"Continuous process improvement"

Sec. 1.5. As used in this chapter, "continuous process improvement" means a management methodology that combines tools to improve process speed and reduce waste with data driven project analysis to provide products and services with improved quality at lower cost.

As added by P.L.152-2012, SEC.2.

IC 4-3-22-2

"Director"

Sec. 2. As used in this chapter, "director" means the director of the office of management and budget established by this chapter.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-3

Establishment of office; director

Sec. 3. (a) To address the needs set forth in section 1 of this chapter, there is established the office of management and budget, which is referred to in this chapter as the "OMB".

(b) The OMB shall have a director who is the chief financial officer of the state. The director shall report directly to the governor.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-4
Responsibilities and authority of budget director

Sec. 4. The director is responsible and accountable for and has authority over the following:

(1) All functions performed by the following:

(A) The budget agency.

(B) The department of state revenue.

(C) The department of local government finance.

(D) The Indiana finance authority.

(E) The office of state based initiatives.

The directors of these agencies, departments, and offices shall report to the director and administer their offices and agencies in compliance with the policies and procedures related to fiscal management that are established by the OMB and approved by the governor.

(2) All budgeting, accounting, and spending functions within the various agencies, departments, and programs of state government.

As added by P.L.246-2005, SEC.38. Amended by P.L.213-2015, SEC.37.

IC 4-3-22-5
OMB director as budget director

Sec. 5. The director may serve as the budget director of the budget agency under IC 4-12-1-3 unless the governor appoints another individual to serve as the budget director. If the director also serves as the budget director, the director is not entitled to receive any salary or other compensation as budget director.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-6
Division of government efficiency and financial planning

Sec. 6. (a) The division of government efficiency and financial planning is established within the OMB. The director shall appoint, subject to the approval of the governor, a director of the division, who serves at the pleasure of the director of OMB.

(b) The division shall do the following:

(1) Conduct operational and procedural audits of state government.

(2) Perform financial planning and design and implement efficiency projects.

(3) Advise and assist:

(A) each instrumentality, agency, authority, board, commission, and officer in the executive department of state government; and

(B) each body corporate and politic established as an instrumentality of the state;

to identify and implement continuous process improvement in

state government.

(4) Carry out such other responsibilities as may be designated by the director.

As added by P.L.246-2005, SEC.38. Amended by P.L.152-2012, SEC.3.

IC 4-3-22-7

Duties; fiscal management

Sec. 7. The OMB shall assist the governor in the articulation, development, and execution of the governor's policies and programs on fiscal management.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-8

Duties; review and development of policies and proposals

Sec. 8. The OMB shall assist and represent the governor in the development and review of all policy, legislative, and rulemaking proposals affecting capital budgeting, procurement, e-government, and other matters related to fiscal management.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-9

Duties; coordination of administrative policies

Sec. 9. The OMB shall harmonize agency views on legislation and facilitate the negotiation of policy positions for the governor.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-10

Duties; budget decision making and negotiations

Sec. 10. The OMB shall provide expertise to the governor for budget decision making and negotiations.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-11

Duties; analysis of budgets; trends

Sec. 11. The OMB shall analyze trends in and the consequences of aggregate budget policy.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-12

Duties; metrics for measuring performance and efficiency

Sec. 12. The OMB shall establish metrics for measuring state government performance and efficiency.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-13

Duties; cost benefit analysis for proposed rules; verified data; confidentiality; analysis prohibited for adoptions of federal law

and technical amendments

Sec. 13. (a) Except as provided in subsection (e), the OMB shall perform a cost benefit analysis upon each proposed rule and provide to:

(1) the governor; and

(2) the legislative council;

an assessment of the rule's effect on Indiana business. The OMB shall submit the cost benefit analysis to the legislative council in an electronic format under IC 5-14-6.

(b) After June 30, 2005, the cost benefit analysis performed by the OMB under this section with respect to any proposed rule that has an impact of at least five hundred thousand dollars ($500,000) shall replace and be used for all purposes under IC 4-22-2 in lieu of the fiscal analysis previously performed by the legislative services agency under IC 4-22-2.

(c) In preparing a cost benefit analysis under this section, the OMB shall consider in its analysis any verified data provided voluntarily by interested parties, regulated persons, and nonprofit corporations whose members may be affected by the proposed rule. A cost benefit analysis prepared under this section is a public document, subject to the following:

(1) This subsection does not empower the OMB or an agency to require an interested party or a regulated person to provide any materials, documents, or other information in connection with a cost benefit analysis under this section. If an interested party or a regulated person voluntarily provides materials, documents, or other information to the OMB or an agency in connection with a cost benefit analysis under this section, the OMB or the agency, as applicable, shall ensure the adequate protection of any:

(A) information that is confidential under IC 5-14-3-4; or

(B) confidential and proprietary business plans and other confidential information.

If an agency has adopted rules to implement IC 5-14-3-4, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims. The OMB and any agency involved in proposing the rule, or in administering the rule upon the rule's adoption, shall exercise all necessary caution to avoid disclosure of any confidential information supplied to the OMB or the agency by an interested party or a regulated person.

(2) The OMB shall make the cost benefit analysis and other related public documents available to interested parties, regulated persons, and nonprofit corporations whose members may be affected by the proposed rule at least thirty (30) days before presenting the cost benefit analysis to the governor and the legislative council under subsection (a).

(d) If the OMB or an agency is unable to obtain verified data for the cost benefit analysis described in subsection (c), the OMB shall state in the cost benefit analysis which data were unavailable for purposes of the cost benefit analysis.

(e) If the OMB finds that a proposed rule is:

(1) an adoption or incorporation by reference of a federal law, regulation, or rule that has no substantive effect on the scope or intended application of the federal law or rule; or

(2) a technical amendment with no substantive effect on an existing Indiana rule;

the OMB may not prepare a cost benefit analysis of the rule under this section. The agency shall submit the proposed rule to the OMB with a statement explaining how the proposed rule meets the requirements of this subsection. If the OMB finds that the rule meets the requirements of this subsection, the OMB shall provide its findings to the governor and to the legislative council in an electronic format under IC 5-14-6. If the agency amends or modifies the proposed rule after the OMB finds that a cost benefit analysis may not be prepared for the rule, the agency shall resubmit the proposed rule to the OMB either for a new determination that the rule meets the requirements of this subsection, or for the OMB to prepare a cost benefit analysis of the rule under this section.

As added by P.L.246-2005, SEC.38. Amended by P.L.131-2012, SEC.1; P.L.53-2014, SEC.49; P.L.5-2015, SEC.3.

IC 4-3-22-13.1

Duties; cost benefit analysis for three year period after rule's effective date; contents; verified data; confidentiality

Sec. 13.1. (a) This section applies to a rule that:

(1) has been adopted under IC 4-22-2 or IC 13-14-9; and

(2) has taken effect;

after December 31, 2011.

(b) This section does not apply to a rule for which the OMB has not performed a cost benefit analysis under section 13(e) of this chapter.

(c) For each rule to which this section applies, the OMB shall perform a cost benefit analysis of the rule with respect to the period encompassing the first three (3) years following the rule's effective date. Except as otherwise required by the governor under subsection (g), the OMB shall submit a cost benefit analysis prepared under this section to:

(1) the governor; and

(2) the legislative council;

not later than six (6) months after the third anniversary of the rule's effective date. The OMB shall submit the cost benefit analysis to the legislative council in an electronic format under IC 5-14-6.

(d) A cost benefit analysis prepared under this section must include the following with respect to the three (3) year period

covered by the analysis:

(1) The cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's adoption, including the following:

(A) The information required by Financial Management Circular #2010-4.

(B) The estimate of the primary and direct benefits of the rule, including the impact on:

(i) consumer protection;

(ii) worker safety;

(iii) the environment; and

(iv) business competitiveness;

as determined before the rule's adoption.

(C) The estimate of the secondary or indirect benefits of the rule and the explanation of how the conduct regulated by the rule is linked to the primary and secondary benefits, as determined before the rule's adoption.

(D) The estimate of any cost savings to regulated persons (including individuals and businesses) as a result of the rule, including any savings from:

(i) a change in an existing requirement; or

(ii) the imposition of a new requirement;

as determined before the rule's adoption.

(2) A statement of the number of regulated persons, classified by industry sector, subject to the rule.

(3) A comparison of:

(A) the cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's implementation, including the information specified in subdivision (1); and

(B) the actual costs and benefits of the rule during the first three (3) years of the rule's implementation, including the following:

(i) Any actual primary and direct benefits of the rule, including the rule's impact on consumer protection, worker safety, the environment, and business competitiveness.

(ii) Any actual secondary or indirect benefits of the rule and an explanation of how the conduct regulated by the rule is linked to the primary and secondary benefits.

(iii) Any actual cost savings to regulated persons (including individuals and businesses) as a result of the rule, including any savings from a change in an existing requirement or from the imposition of a new requirement.

(4) For each element of the rule that is also the subject of restrictions or requirements imposed under federal law, a comparison of:

(A) the restrictions or requirements imposed under the rule; and

(B) the restrictions or requirements imposed under federal

law.

(5) Any other information that the governor or the legislative council:

(A) requires with respect to a cost benefit analysis under this section; and

(B) requests in writing.

(e) In preparing a cost benefit analysis under this section, the OMB shall consider in its analysis any verified data provided voluntarily by interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule. A cost benefit analysis prepared under this section is a public document, subject to the following:

(1) This subsection does not empower the OMB or an agency to require an interested party or a regulated person to provide any materials, documents, or other information. If an interested party or a regulated person voluntarily provides materials, documents, or other information to the OMB or an agency in connection with a cost benefit analysis under this section, the OMB or the agency, as applicable, shall ensure the adequate protection of any:

(A) information that is confidential under IC 5-14-3-4; or

(B) confidential and proprietary business plans and other confidential information.

If an agency has adopted rules to implement IC 5-14-3-4, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims. The OMB and any agency involved in administering the rule shall exercise all necessary caution to avoid disclosure of any confidential information supplied to the OMB or the agency by an interested party or a regulated person.

(2) The OMB shall make the cost benefit analysis and other related public documents available to interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule at least thirty (30) days before presenting the cost benefit analysis to the governor and the legislative council under subsection (c).

(f) If the OMB or an agency is unable to obtain verified data for the cost benefit analysis described in subsection (d), the OMB shall state in the cost benefit analysis which data were unavailable for purposes of the cost benefit analysis.

(g) The governor or the legislative council, or both, may prescribe:

(1) the form of a cost benefit analysis; and

(2) the process, deadlines, and other requirements for submitting a cost benefit analysis;

required under this section.

As added by P.L.131-2012, SEC.2. Amended by P.L.53-2014,

SEC.50; P.L.5-2015, SEC.4.

IC 4-3-22-14
Agencies and instrumentalities; required compliance and cooperation

Sec. 14. All instrumentalities, agencies, authorities, boards, commissions, and officers of the executive, including the administrative, department of state government, and all bodies corporate and politic established as instrumentalities of the state shall:

(1) comply with the policies and procedures related to fiscal management that are established by the OMB and approved by the governor; and

(2) cooperate with and provide assistance to the OMB.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-15
Agencies; accountability; compliance with statutory requirements

Sec. 15. All state agencies (as defined in IC 4-12-1-2) shall, in addition to complying with all statutory duties applicable to state purchasing, be accountable to the OMB for adherence to policies, procedures, and spending controls established by the OMB and approved by the governor.

As added by P.L.246-2005, SEC.38.

IC 4-3-22-16
Comments concerning proposed legislation

Sec. 16. (a) As used in this section, "coordinator" means the following:

(1) A small business regulatory coordinator (as defined in IC 4-22-2-28.1(b)).

(2) An ombudsman designated under IC 13-28-3-2.

(3) An ombudsman designated under IC 4-4-35-8.

(b) Each coordinator may review proposed legislation affecting the small businesses that are regulated by the agency or that would be regulated by the agency under proposed legislation. A coordinator may submit to the OMB written comments concerning the impact of proposed legislation on small business.

(c) The OMB may review comments received under subsection (b). The OMB may amend the comments. After completing its review, the OMB shall transmit the comments to the legislative services agency for posting on the general assembly's web site. The comments submitted under this section shall be transmitted electronically in a format suitable for posting to the general assembly's web site as determined by the legislative services agency.

As added by P.L.137-2006, SEC.2. Amended by P.L.110-2010, SEC.1; P.L.187-2014, SEC.1.

IC 4-3-22-17
Expired

(As added by P.L.171-2011, SEC.1. Expired 7-1-2013 by P.L.171-2011, SEC.1.)

IC 4-3-22-18
Center for deaf and hard of hearing education; determination of appropriate agency

Sec. 18. Before July 1, 2013, the office of management and budget, in consultation with the Indiana School for the Deaf, the department of education, the state department of health, and the office of the secretary of family and social services, shall recommend to the general assembly through the budget process an appropriate agency to provide office space and staff support for the center for deaf and hard of hearing education established under IC 20-35-11. Until the center for deaf and hard of hearing education is established and operating, the Indiana School for the Deaf shall continue to provide those services that will be transferred from the Indiana School for the Deaf to the center for deaf and hard of hearing education or local education agencies at the time the center is established and operating.

As added by P.L.109-2012, SEC.1.

IC 4-3-22-18.2
Duties; OPEB reports

Sec. 18.2. The OMB shall, not later than December 1 each year, submit to the budget committee the following reports concerning post-employment benefits (as defined in IC 5-10-16-5):

(1) The report prepared by the OMB for state agencies under IC 5-10-16-7.

(2) Reports received from state educational institutions under IC 21-38-3-13.

As added by P.L.138-2012, SEC.1.

IC 4-3-22-19
Duties; annual report concerning political subdivision retirement plans

Sec. 19. The OMB shall, not later than October 1 each year, submit to the interim study committee on pension management oversight a written report that summarizes and analyzes the retirement plan information received for the immediately preceding state fiscal year under IC 5-11-20. The report must be in an electronic format under IC 5-14-6.

As added by P.L.241-2015, SEC.1.

IC 4-3-23

Chapter 23. Indiana Office of Energy Development

IC 4-3-23-1

"Director"

Sec. 1. As used in this chapter, "director" means the director of the office.

As added by P.L.34-2013, SEC.2.

IC 4-3-23-2

"Office"

Sec. 2. As used in this chapter, "office" refers to the Indiana office of energy development established by section 3 of this chapter.

As added by P.L.34-2013, SEC.2.

IC 4-3-23-3

Indiana office of energy development

Sec. 3. (a) The Indiana office of energy development is established to develop and implement a comprehensive energy policy for the state.

(b) The governor shall appoint the director of the office. The director is the chief energy officer of the state and shall report directly to the governor.

As added by P.L.34-2013, SEC.2.

IC 4-3-23-4

Duties

Sec. 4. The office shall carry out the duties relating to energy policy that were carried out by the following:

(1) The department of commerce (before its abolishment in 2005).

(2) The office of the lieutenant governor under IC 4-4-2.4 (before its repeal).

As added by P.L.34-2013, SEC.2.

IC 4-3-23-5

Programs administered

Sec. 5. The office shall administer the following:

(1) The alternative fuel fueling station grant program under IC 4-4-32.2.

(2) The alternative fuel vehicle grant program for local units under IC 4-4-32.3.

(3) The energy development fund under IC 4-23-5.5-10.

(4) A low interest revolving loan program for certain energy efficiency or recycling projects, in consultation with the Indiana recycling market development board.

(5) The coal research grant fund under IC 4-23-5.5-16.

(6) The green industries fund under IC 5-28-34, in consultation

with the Indiana economic development corporation.

(7) The office of alternative energy incentives established by IC 8-1-13.1-9 and the alternative energy incentive fund established by IC 8-1-13.1-10.

(8) The center for coal technology research established by IC 21-47-4-1 and the coal technology research fund established by IC 21-47-4-5.

As added by P.L.34-2013, SEC.2. Amended by P.L.109-2015, SEC.4.

IC 4-3-23-6

Collaboration with the office of lieutenant governor

Sec. 6. The office shall collaborate with the office of the lieutenant governor regarding the following programs:

(1) Home energy assistance programs, including the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq.

(2) Weatherization programs, including weatherization programs and money received under 42 U.S.C. 6851 et seq.

As added by P.L.34-2013, SEC.2.

IC 4-3-23-7

Adoption of rules

Sec. 7. The office may adopt rules under IC 4-22-2 to carry out its responsibilities under this chapter.

As added by P.L.34-2013, SEC.2.

IC 4-3-23-8

Transfer of duties and liability

Sec. 8. (a) All powers, duties, liabilities, records, property, appropriations, and employees of the lieutenant governor as of June 30, 2013, that are related to energy or energy development, including the center for coal technology research, are transferred to the office as the successor office.

(b) Rules of the office of the lieutenant governor related to energy or energy development that were adopted before July 1, 2013, are transferred to the office and shall be treated after June 30, 2013, as though they had been adopted by the office.

As added by P.L.34-2013, SEC.2.

IC 4-3-24

Chapter 24. Office of State Based Initiatives

IC 4-3-24-1

"Office"

Sec. 1. As used in this chapter, "office" means the office of state based initiatives established by section 3 of this chapter.

As added by P.L.213-2015, SEC.38.

IC 4-3-24-2

"State agency"

Sec. 2. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1.

As added by P.L.213-2015, SEC.38.

IC 4-3-24-3

Office established; appointment of director

Sec. 3. (a) The Indiana office of state based initiatives is established.

(b) The governor shall appoint the director of the office.

As added by P.L.213-2015, SEC.38.

IC 4-3-24-4

Duties of the office

Sec. 4. In coordination with state agencies, the office shall:

(1) review the state's federal grant opportunities; and

(2) subject each federal grant opportunity to a cost-benefit analysis that will measure the fiscal impact and regulatory impact of the grant to determine whether or not the federal grant opportunity should be pursued.

As added by P.L.213-2015, SEC.38.

IC 4-3-24-5

State agency participation in federal grant opportunities

Sec. 5. A state agency may not participate in a federal grant opportunity unless the state agency has received approval to do so from the office.

As added by P.L.213-2015, SEC.38.

IC 4-3-24-6

State agency block grant contingency plans; submission and updating of plans

Sec. 6. (a) A state agency that receives federal funds must develop, in coordination with the office, a block grant contingency plan that does at least the following:

(1) Evaluates whether and how Indiana could use federal funds more effectively without federal constraints, including an evaluation of opportunities for interagency collaboration.

(2) Identifies specific action items that are significant in solving issues caused by federal mandates and regulations.

(b) A state agency subject to subsection (a) must:

(1) submit a block grant contingency plan to the office before November 1, 2015, and before November 1 of each odd-numbered year thereafter; and

(2) update the block grant contingency plan regularly and provide any updates to the office.

As added by P.L.213-2015, SEC.38.

IC 4-3-24-7

Annual report

Sec. 7. (a) The office shall before January 1 of each year publish an annual report that includes the following:

(1) A state block grant contingency plan that incorporates each state agency's block grant contingency plan and related findings by the office. The state block grant contingency plan must include options for coordination among state agencies to address issues caused by federal mandates and regulations.

(2) A study of the current impact and projected future impact of federal mandates and regulations on Indiana. The study shall be prepared by studying the data, surveying businesses, and speaking with citizens of Indiana.

(b) The office shall submit the annual report and any other published reports of the office and any findings of the office to the governor, to the members of the United States Congress representing Indiana, and (in an electronic format under IC 5-14-6) to the legislative council.

As added by P.L.213-2015, SEC.38.

IC 4-3-24-8

Single point of contact for review and coordination of proposed federal assistance and development

Sec. 8. In accordance with federal law, the office shall serve as the state's single point of contact to review and coordinate proposed federal financial assistance and direct federal development.

As added by P.L.213-2015, SEC.38.

IC 4-3-25

Chapter 25. Indiana Commission to Combat Drug Abuse

IC 4-3-25-1

"Commission"

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

As added by P.L.7-2016, SEC.1.

IC 4-3-25-2

"State agency"

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

As added by P.L.7-2016, SEC.1.

IC 4-3-25-3

Commission to combat drug abuse, established

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

As added by P.L.7-2016, SEC.1.

IC 4-3-25-4

Membership

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

(1) A member of the governor's staff appointed by the governor.

(2) An appellate or trial court judge appointed by the chief justice of the supreme court to serve on the commission for a term of four (4) years.

(3) One (1) legislative member appointed by the president pro tempore of the senate.

(4) One (1) legislative member appointed by the minority leader of the senate.

(5) One (1) legislative member appointed by the speaker of the house of representatives.

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

(7) The superintendent of public instruction.

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

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

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

(11) The secretary of family and social services.

(12) The state health commissioner.
(13) The commissioner of the department of correction.
(14) The superintendent of the state police department.
(15) The director of the office of management and budget or the budget director, as selected by the governor.
(16) The executive director of the Indiana criminal justice institute.
(17) The executive director of the professional licensing agency.
(18) The attorney general, who shall serve as a nonvoting member.

As added by P.L.7-2016, SEC.1.

IC 4-3-25-5
Chairperson

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

As added by P.L.7-2016, SEC.1.

IC 4-3-25-6
Member removal; vacancies

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

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

As added by P.L.7-2016, SEC.1.

IC 4-3-25-7
Member reimbursement

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

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

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.
As added by P.L.7-2016, SEC.1.

IC 4-3-25-8
Voting
Sec. 8. The affirmative votes of a majority of the voting members appointed to the commission are required for the commission to take action on any measure, including final reports.
As added by P.L.7-2016, SEC.1.

IC 4-3-25-9
Meeting frequency
Sec. 9. The commission shall meet at least four (4) times in a calendar year.
As added by P.L.7-2016, SEC.1.

IC 4-3-25-10
Staff support
Sec. 10. The criminal justice institute shall provide staff support for the commission.
As added by P.L.7-2016, SEC.1.

IC 4-3-25-11
Working groups
Sec. 11. To address specific issues, the commission may establish working groups consisting of individuals appointed by the chairperson. The chairperson may appoint individuals who are not members of the commission, including lay members and subject matter experts, to a working group. Section 7 of this chapter applies to a member of a working group regardless of whether the member is also a member of the commission.
As added by P.L.7-2016, SEC.1.

IC 4-3-25-12
Duties
Sec. 12. The commission shall do the following:
(1) Identify ways for state agencies to coordinate with each other on substance abuse prevention, treatment, and enforcement programming and funding.
(2) Promote information sharing throughout Indiana concerning substance abuse prevention, treatment, and enforcement.
(3) Promote best practices concerning substance abuse

prevention, treatment, and enforcement.

(4) Cooperate with other commissions, governmental entities, and stakeholders engaged in substance abuse prevention, treatment, and enforcement.

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

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

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

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

(B) The duplication of services, if any.

(C) Funding of the services.

(D) Barriers to obtaining the services.

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

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

As added by P.L.7-2016, SEC.1.

IC 4-3-25-13

Requests for information and data

Sec. 13. The commission may do the following:

(1) Request information or presentations from state agencies.

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

(3) Request information from experts concerning substance abuse.

As added by P.L.7-2016, SEC.1.

IC 4-3-25-14

Annual report

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

As added by P.L.7-2016, SEC.1.

IC 4-3-25-15

Responsibilities of criminal justice institute executive director

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

(1) Implementing the commission's recommendations

concerning local coordinating councils.

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

(3) Assisting in the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative community strategies, and monitor local antidrug activities.

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

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

As added by P.L.7-2016, SEC.1.

IC 4-4

ARTICLE 4. LIEUTENANT GOVERNOR

IC 4-4-1

Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-2

Chapter 2. Inability of Lieutenant Governor to Discharge Official Duties

IC 4-4-2-1

Repealed

(Repealed by Acts 1979, P.L.19, SEC.4.)

IC 4-4-2-1.1

Self-declaration of inability to discharge office; appointment of acting lieutenant governor; resumption of office

Sec. 1.1. Whenever the lieutenant governor transmits to the governor the lieutenant governor's written declaration that the lieutenant governor is unable to discharge the powers and duties of the lieutenant governor's office, and until the lieutenant governor transmits to the governor a written declaration to the contrary, the powers and duties shall be discharged by a person appointed by the governor as acting lieutenant governor. Thereafter, when the lieutenant governor transmits to the governor the lieutenant governor's written declaration that no inability exists, the lieutenant governor shall resume the powers and duties of the lieutenant governor's office.

As added by Acts 1979, P.L.19, SEC.1. Amended by P.L.215-2016, SEC.21.

IC 4-4-2-2

Supreme court decision of inability to discharge office; resumption of office; procedures

Sec. 2. Whenever the governor, the president pro tempore of the senate, and the speaker of the house of representatives file with the supreme court a written statement suggesting that the lieutenant governor is unable to discharge the powers and duties of the lieutenant governor's office, the supreme court shall, after giving notice to the lieutenant governor of the date, time, and place of their meeting, meet within forty-eight (48) hours to decide the question and the decision shall be final. Whenever the lieutenant governor files with the supreme court the lieutenant governor's written declaration that no inability exists, the supreme court shall meet within forty-eight (48) hours to decide whether no inability exists, and the decision shall be final. Upon a decision that no inability exists, the lieutenant governor shall resume the powers and duties of the lieutenant governor's office.

As added by Acts 1979, P.L.19, SEC.2. Amended by P.L.215-2016, SEC.22.

IC 4-4-2-3

Supreme court decision of inability to discharge office; appointment of acting lieutenant governor

Sec. 3. Whenever the supreme court decides that the lieutenant governor is unable to discharge the powers and duties of the lieutenant governor's office, the governor shall appoint a person as acting lieutenant governor to discharge the powers and duties of the office of lieutenant governor until the supreme court decides that no inability exists.

As added by Acts 1979, P.L.19, SEC.3. Amended by P.L.215-2016, SEC.23.

IC 4-4-2.3

Chapter 2.3. Lieutenant Governor as Secretary of Agriculture and Rural Development

IC 4-4-2.3-1

Lieutenant governor as secretary of agriculture and rural development

Sec. 1. The lieutenant governor serves as secretary of agriculture and rural development by virtue of office.

As added by P.L.83-2005, SEC.1.

IC 4-4-2.3-2

Property tax exemption provisions; enumeration

Sec. 2. The secretary is responsible for implementation of the following:

(1) IC 4-4-9.7.

(2) IC 15-11.

As added by P.L.83-2005, SEC.1. Amended by P.L.2-2008, SEC.14.

IC 4-4-2.4
Repealed

(Repealed by P.L.34-2013, SEC.3.)

IC 4-4-2.5

Chapter 2.5. Service of Lieutenant Governor and Employees on State Agencies, Boards, and Other Bodies

IC 4-4-2.5-1

Designee as member

Sec. 1. In all cases where the lieutenant governor is a member of a state agency, committee, division, board, authority, or other organization created by law, the lieutenant governor may designate another individual to serve on the agency, committee, division, board, authority, or organization in place of the lieutenant governor as a member for all purposes. A designation under this section becomes effective when filed in the official records of the agency, committee, division, board, authority, or organization and remains in effect until the designation lapses in accordance with its terms.

As added by Acts 1981, P.L.24, SEC.2. Amended by P.L.17-1989, SEC.1; P.L.1-2006, SEC.8.

IC 4-4-3
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-3.2
Repealed

(Repealed by P.L.187-2014, SEC.2.)

IC 4-4-3.3
Repealed

(Repealed by P.L.187-2014, SEC.3.)

IC 4-4-3.4
Repealed
(Repealed by P.L.2-2007, SEC.390.)

IC 4-4-3.5
Repealed
(Repealed by P.L.229-2005, SEC.18.)

IC 4-4-3.6
Repealed

(Repealed by P.L.229-2005, SEC.18.)

IC 4-4-3.7
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-3.8
Repealed

(Repealed by P.L.187-2014, SEC.4.)

IC 4-4-4
Repealed

(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-4-4.5
Repealed

(Repealed by P.L.17-1992, SEC.2.)

IC 4-4-4.6
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-5
Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 4-4-5.1
Repealed

(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-5.2

Chapter 5.2. Emerging Technology Grant Fund

IC 4-4-5.2-1

"Board"

Sec. 1. As used in this chapter, "board" refers to the board of the Indiana economic development corporation.

As added by P.L.81-2004, SEC.44. Amended by P.L.4-2005, SEC.2.

IC 4-4-5.2-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the emerging technology grant fund established by section 5 of this chapter.

As added by P.L.81-2004, SEC.44.

IC 4-4-5.2-3

"Small business"

Sec. 3. As used in this chapter, "small business" means a business that satisfies all the following:

(1) The business is independently owned and operated.

(2) The principal office of the business is located in Indiana.

(3) The business satisfies either of the following:

(A) The business has not more than:

(i) one hundred (100) employees; and

(ii) average annual gross receipts of ten million dollars ($10,000,000).

(B) If the business is a manufacturing business, the business does not have more than one hundred (100) employees.

As added by P.L.81-2004, SEC.44.

IC 4-4-5.2-4

"Small sized technology based business"

Sec. 4. As used in this chapter, "small sized technology based business" means a small business engaged in any of the following:

(1) Life sciences.

(2) Information technology.

(3) Advanced manufacturing.

(4) Logistics.

As added by P.L.81-2004, SEC.44.

IC 4-4-5.2-5

Emerging technology grant fund established

Sec. 5. (a) The emerging technology grant fund is established to provide grants to match federal grants for small sized technology based businesses to be used to accelerate commercialization of emerging technologies.

(b) The fund consists of appropriations from the general assembly and gifts and grants to the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

(e) Money in the fund is continuously appropriated for the purposes of this chapter.

As added by P.L.81-2004, SEC.44.

IC 4-4-5.2-6

Purposes of grant program

Sec. 6. The purpose of the grant program is to do the following:

(1) Assist Indiana businesses to compete nationally for federal research and development awards.

(2) Provide matching grants that focus on small sized technology based businesses in industry sectors vital to Indiana's economic growth.

As added by P.L.81-2004, SEC.44.

IC 4-4-5.2-7

Duties of board

Sec. 7. (a) The board shall administer the grant program under this chapter.

(b) The board shall award grants to support projects that leverage private sector, federal, and state resources to create new globally competitive commercial products or services that will enhance economic growth and job creation in Indiana.

(c) The board may award grants only to businesses that receive federal grant awards.

(d) In awarding grants, the board shall give preference to proposals from businesses that include other Indiana based organizations. However, the amount of the grant may be measured only against the federal money allocated to the small sized technology based business partner.

(e) The board shall consider the following when making grants under this chapter:

(1) Whether the grant will increase the viability of the applicant's project.

(2) Whether the grant will attract additional federal research, development, and commercialization money.

(3) Whether the grant will assist in accelerating the introduction of technology based products in the market.

(4) Whether the grant will produce additional technology based jobs in Indiana.

(5) Other factors the board considers relevant.

(f) An applicant for a grant under this chapter must be in the process of applying for, have applied for, or have received a federal

grant for the proposed project. If the applicant has already received a federal grant for the proposed project, the start date of the federal award must be after June 30, 2003.

(g) Any federal program may serve as the basis for a grant under this chapter if all the following are satisfied:

(1) The applicant's federal proposal is a response to a nationally competitive federal solicitation.

(2) The federal program provides money to develop, revise, or commercialize a new technology.

(3) The federal program accepts matching funds.

(4) The applicant's federal proposal includes the state as a potential funding source.

As added by P.L.81-2004, SEC.44.

IC 4-4-5.2-8

Maximum grant awards

Sec. 8. Before July 1 of each year, the board shall establish and publish guidelines determining the following:

(1) Priority industries and technological areas for grants under this chapter.

(2) Matching levels for the different priorities established under subdivision (1). The matching level may not be more than one dollar ($1) for each federal dollar received by an applicant.

(3) The maximum dollar amount that may be awarded for a proposal. The maximum dollar amount may not exceed one hundred fifty thousand dollars ($150,000) for each business for each proposal.

As added by P.L.81-2004, SEC.44.

IC 4-4-6
Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 4-4-6.1
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-7
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-8
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-9
Repealed
(Repealed by P.L.144-2006, SEC.14.)

IC 4-4-9.3
Repealed
(Repealed by P.L.144-2006, SEC.14.)

IC 4-4-9.5
Repealed
(Repealed by P.L.144-2006, SEC.14.)

IC 4-4-9.7

Chapter 9.7. Office of Rural Affairs

IC 4-4-9.7-1

"Director"

Sec. 1. As used in this chapter, "director" refers to the director of the office of community and rural affairs appointed under section 5 of this chapter.

As added by P.L.83-2005, SEC.5. Amended by P.L.144-2006, SEC.2.

IC 4-4-9.7-2

"Office"

Sec. 2. As used in this chapter, "office" refers to the office of community and rural affairs established by section 4 of this chapter.

As added by P.L.83-2005, SEC.5. Amended by P.L.144-2006, SEC.3.

IC 4-4-9.7-3

"Secretary"

Sec. 3. As used in this chapter, "secretary" refers to the lieutenant governor as secretary of agriculture and rural development, as provided in IC 4-4-2.3.

As added by P.L.83-2005, SEC.5.

IC 4-4-9.7-4

Office of community and rural affairs established

Sec. 4. The office of community and rural affairs is established.

As added by P.L.83-2005, SEC.5. Amended by P.L.144-2006, SEC.4.

IC 4-4-9.7-5

Director; appointment; chief executive and administrative officer; employees

Sec. 5. (a) The secretary shall appoint an individual to be the director of the office.

(b) The director:

(1) serves at the secretary's pleasure;

(2) is entitled to receive compensation in an amount set by the secretary subject to the approval of the budget agency under IC 4-12-1-13; and

(3) is responsible to the secretary.

(c) The director is the chief executive and administrative officer of the office.

(d) The director may appoint employees in the manner provided by IC 4-15-2.2 and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.

(e) The director may delegate the director's authority to the appropriate office staff.

As added by P.L.83-2005, SEC.5. Amended by P.L.6-2012, SEC.10.

IC 4-4-9.7-6
Duties of office

Sec. 6. The office shall do the following:

(1) Administer the rural economic development fund under section 9 of this chapter.

(2) Administer the Indiana main street program under IC 4-4-16.

(3) Administer the community development block grant program.

As added by P.L.83-2005, SEC.5. Amended by P.L.144-2006, SEC.5.

IC 4-4-9.7-7
Office may adopt rules

Sec. 7. The office may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of this chapter.

As added by P.L.144-2006, SEC.6.

IC 4-4-9.7-8
Repealed

(As added by P.L.144-2006, SEC.7. Repealed by P.L.133-2012, SEC.3.)

IC 4-4-9.7-9
Rural economic development fund

Sec. 9. (a) The rural economic development fund is established for the purpose of enhancing and developing rural communities. The fund shall be administered by the office.

(b) The expenses of administering the fund shall be paid from the money in the fund.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisers, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund may be used for the following purposes:

(1) To create, assess, and assist a pilot project to enhance the economic and community development in a rural area.

(2) To establish a local revolving loan fund for:

(A) an industrial;

(B) a commercial;

(C) an agricultural; or

(D) a tourist;

venture.

(3) To provide a loan for an economic development project in a rural area.

(4) To provide technical assistance to a rural organization.

(5) To assist in the development and creation of a rural cooperative.

(6) To address rural workforce development challenges.

(7) To assist in addressing telecommunications needs in a rural area.

(8) To provide funding for rural economic development projects concerning the following issues:

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

(B) Housing.

(C) Health care.

(D) Local planning.

(E) Land use.

(F) Other rural economic development issues, as determined by the office.

(9) To provide funding for the establishment of new regional rural development groups and the operation of existing regional rural development groups.

(f) Expenditures from the fund are subject to appropriation by the general assembly and approval by the office.

As added by P.L.144-2006, SEC.8.

IC 4-4-10
Repealed

(Repealed by Acts 1982, P.L.17, SEC.4.)

IC 4-4-10.1
Repealed

(Repealed by P.L.1-1993, SEC.16.)

IC 4-4-10.9

Chapter 10.9. Indiana Finance Authority Law; Definitions

IC 4-4-10.9-1

Application of definitions

Sec. 1. Subject to IC 4-4-11-2.7, the definitions in this chapter apply throughout this chapter, IC 4-4-11, and the affected statutes.

As added by P.L.20-1985, SEC.1. Amended by P.L.224-2003, SEC.271; P.L.1-2007, SEC.5; P.L.162-2007, SEC.1.

IC 4-4-10.9-1.2

"Affected statutes"

Sec. 1.2. "Affected statutes" means all statutes that grant a power to or impose a duty on the authority, including but not limited to IC 4-4-11, IC 4-4-11.4, IC 4-4-11.6, IC 4-4-21, IC 4-13.5, IC 5-1-16, IC 5-1-16.5, IC 5-1-17.5, IC 8-9.5, IC 8-14.5, IC 8-15, IC 8-15.5, IC 8-16, IC 13-18-13, IC 13-18-21, IC 13-19-5, IC 14-14, and IC 14-28-5.

As added by P.L.235-2005, SEC.1. Amended by P.L.47-2006, SEC.1; P.L.1-2006, SEC.26; P.L.1-2007, SEC.6; P.L.162-2007, SEC.2; P.L.2-2009, SEC.1; P.L.1-2009, SEC.5; P.L.1-2010, SEC.5; P.L.233-2013, SEC.1; P.L.155-2015, SEC.1.

IC 4-4-10.9-1.5

"Authority"

Sec. 1.5. "Authority" refers to the Indiana finance authority established by IC 4-4-11.

As added by P.L.20-1988, SEC.1. Amended by P.L.11-1990, SEC.3; P.L.235-2005, SEC.2.

IC 4-4-10.9-2

"Bonds"

Sec. 2. "Bonds" means any bonds, mortgage credit certificates, notes, debentures, interim certificates, revenue anticipation notes, warrants, or any other evidences of indebtedness of the authority and for purposes of a refunding issue, means the same types of evidences of indebtedness of a unit (as defined in IC 36-1-2-23) as well as the authority.

As added by P.L.20-1985, SEC.1. Amended by P.L.11-1990, SEC.4; P.L.24-1995, SEC.5.

IC 4-4-10.9-2.1

"Broadband development program"

Sec. 2.1. "Broadband development program" refers to the Indiana broadband development program established by IC 8-1-33-15.

As added by P.L.235-2005, SEC.3.

IC 4-4-10.9-2.2

"Broadband development project"

Sec. 2.2. "Broadband development project" means a project authorized by the broadband development program under IC 8-1-33.

As added by P.L.235-2005, SEC.4.

IC 4-4-10.9-3

Repealed

(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-10.9-3.1

"Child care facility"

Sec. 3.1. "Child care facility" means a:

(1) child care center licensed under IC 12-17.2-4;

(2) child care home licensed under IC 12-17.2-5; or

(3) child care ministry licensed under IC 12-17.2-6.

As added by P.L.227-1999, SEC.2 and P.L.273-1999, SEC.192.

IC 4-4-10.9-3.2

"Child care facility project"

Sec. 3.2. "Child care facility project" includes the acquisition of land, site improvements, infrastructure improvements, buildings or structures, rehabilitation, renovation, and enlargement of buildings and structures, machinery, equipment, working capital, furnishings, or facilities (or any combination of these):

(1) comprising or being functionally related and subordinate to a child care facility; and

(2) not used or to be used primarily:

(A) for sectarian care;

(B) as a place for devotional activities; or

(C) in connection with any part of the program of a:

(i) church;

(ii) school; or

(iii) department of divinity;

for any religious denomination.

As added by P.L.227-1999, SEC.3 and P.L.273-1999, SEC.193. Amended by P.L.14-2000, SEC.8.

IC 4-4-10.9-4

"Contracting party"

Sec. 4. "Contracting party" means any party to a lease, sales contract, or loan agreement other than the authority.

As added by P.L.20-1985, SEC.1. Amended by P.L.11-1990, SEC.5.

IC 4-4-10.9-5

"Cost of the project"

Sec. 5. "Cost of the project" means the cost or fair market value of construction, equipment, lands, property rights, easements, franchises, patents, financing charges, interest cost during

construction, engineering and legal services, plans, specifications, surveys, cost estimates, studies, and other expenses as may be necessary or incident to the development, construction, financing, and placing in operation of an industrial development project.
As added by P.L.20-1985, SEC.1.

IC 4-4-10.9-5.5
"Covered taxes"

Sec. 5.5. "Covered taxes" refers to any of the following:

(1) The state gross retail tax imposed under IC 6-2.5-2-1 or the use tax imposed under IC 6-2.5-3-2.

(2) The adjusted gross income tax imposed under IC 6-3-2-1.

As added by P.L.224-2003, SEC.272.

IC 4-4-10.9-6
"Developer"

Sec. 6. "Developer" means a person who proposes to enter, or has entered, into a financing agreement with the authority for an industrial development project and who has entered into a separate agreement with some other persons for the substantial use of the facilities financed.
As added by P.L.20-1985, SEC.1. Amended by P.L.11-1990, SEC.6.

IC 4-4-10.9-6.1
"Distressed area"

Sec. 6.1. "Distressed area" means a county in which:

(1) the average annualized unemployment rate in each of the two (2) calendar years immediately preceding the current calendar year exceeded the statewide average annualized unemployment rate for each of the same calendar years by at least two percent (2%); or

(2) the average annualized unemployment rate in the immediately preceding calendar year was at least double the statewide average annualized unemployment rate for the same period;

as determined by the department of workforce development.
As added by P.L.224-2003, SEC.273. Amended by P.L.1-2007, SEC.7.

IC 4-4-10.9-6.2
"Educational facility project"

Sec. 6.2. (a) "Educational facility project" includes:

(1) the acquisition of land, site improvements, infrastructure improvements, buildings, or structures, the rehabilitation, renovation, and enlargement of buildings and structures, machinery, equipment, furnishings, or facilities (or any combination of these):

(A) comprising or being functionally related and subordinate

to any aquaria, botanical societies, historical societies, libraries, museums, performing arts associations or societies, scientific societies, zoological societies, and independent elementary, secondary, or postsecondary educational institution (or any combination of these) that engages in the cultural, intellectual, scientific, educational, or artistic enrichment of the people of the state the development or expansion of which serves the purposes set forth in IC 4-4-11-2;

(B) is not used or to be used primarily for sectarian instruction or study or as a place for devotional activities; and

(C) is not used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination; or

(2) funding (including reimbursement or refinancing) by a nonprofit organization described in subsection (b) of:

(A) real property and improvements;

(B) personal property; or

(C) noncapital costs to fund a judgment, a settlement, or other cost or liability, other than an ordinary and recurring operating cost or expenditure.

(b) For purposes of subsection (a)(2), a nonprofit organization must be:

(1) qualified as tax exempt under Section 501(c)(3) of the Internal Revenue Code; and

(2) have headquarters or a primary educational or exhibit facility located on property owned by or titled in the name of the state of Indiana or an agency, a commission, or an instrumentality of the state of Indiana that serves the purposes set forth in IC 4-4-11-2.

As added by P.L.24-1995, SEC.6. Amended by P.L.4-2002, SEC.1; P.L.2-2007, SEC.21.

IC 4-4-10.9-6.5
"Eligible export loan"

Sec. 6.5. "Eligible export loan" has the meaning set forth in IC 4-4-21.

As added by P.L.20-1988, SEC.2.

IC 4-4-10.9-7
"Equipment"

Sec. 7. "Equipment" means any capital item.

As added by P.L.20-1985, SEC.1.

IC 4-4-10.9-7.5
Repealed

(As added by P.L.20-1988, SEC.3. Repealed by P.L.162-2007,

SEC.42.)

IC 4-4-10.9-8
"Financing agreement"

Sec. 8. "Financing agreement" means an agreement between the authority and a developer, user, or lender concerning the financing of, the title to, or possession of an industrial development project and that provides for payments to the authority in an amount sufficient to pay the principal of, premium, if any, and interest on bonds authorized by the authority for the financing of an industrial development project.

As added by P.L.20-1985, SEC.1. Amended by P.L.24-1987, SEC.3; P.L.11-1990, SEC.7.

IC 4-4-10.9-8.5
Repealed

(As added by P.L.20-1988, SEC.4. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-10.9-9
Repealed

(As added by P.L.20-1985, SEC.1. Amended by P.L.11-1990, SEC.8. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-10.9-9.5
Repealed

(As added by P.L.227-1999, SEC.4. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-10.9-10
Repealed

(As added by P.L.20-1985, SEC.1. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-10.9-11
"Industrial development project"

Sec. 11. "Industrial development project" includes:

(1) the acquisition of land, site improvements, infrastructure improvements, buildings, or structures, rehabilitation, renovation, and enlargement of buildings and structures, machinery, equipment, furnishings, or facilities (or any combination of these), comprising or being functionally related and subordinate to any project (whether manufacturing, commercial, agricultural, environmental, or otherwise) the development or expansion of which serves the public purposes set forth in IC 4-4-11-2;

(2) educational facility projects;

(3) child care facility projects; and

(4) broadband development projects.

As added by P.L.20-1985, SEC.1. Amended by P.L.10-1986, SEC.1; P.L.25-1987, SEC.1; P.L.15-1991, SEC.1; P.L.13-1993, SEC.3; P.L.24-1995, SEC.7; P.L.227-1999, SEC.5; P.L.273-1999, SEC.194; P.L.14-2000, SEC.9; P.L.4-2005, SEC.3; P.L.235-2005, SEC.5; P.L.162-2007, SEC.3.

IC 4-4-10.9-11.5
"International exports"

Sec. 11.5. "International exports" has the meaning set forth in IC 4-4-21.

As added by P.L.20-1988, SEC.5.

IC 4-4-10.9-12
"Lease"

Sec. 12. "Lease" when used in connection with the multiple project program means a lease containing an option to purchase the industrial development project for a nominal sum upon payment in full, or provision therefor, of all bonds issued in connection with the industrial development project and all interest thereon and all other expenses in connection with the industrial development project, and a lease containing an option to purchase the industrial development project at any time, as provided therein, upon payment of the purchase price which shall be sufficient to pay all bonds issued in connection with the industrial development project and all interest thereon and all other expenses incurred in connection with the industrial development project, but which payment may be made in the form of one (1) or more rental payments, notes, debentures, or other secured or unsecured debt obligations of the lessee providing for timely payments, including without limitation interest thereon sufficient for such purposes and delivered to the authority or to the trustee under the indenture, if any, pursuant to which the bonds were issued.

As added by P.L.20-1985, SEC.1. Amended by P.L.11-1990, SEC.9.

IC 4-4-10.9-13
"Lender"

Sec. 13. "Lender" when used in connection with the multiple project program means any federal or state chartered bank, Federal Land Bank, production credit association, bank for cooperatives, savings association, small business investment company, or any other institution qualified within the state to originate and service loans, such as insurance companies, credit unions, and mortgage loan companies.

As added by P.L.20-1985, SEC.1. Amended by P.L.79-1998, SEC.2.

IC 4-4-10.9-14
"Loan"

Sec. 14. "Loan" means any lease, loan agreement, or sale contract as defined in this chapter.
As added by P.L.20-1985, SEC.1.

IC 4-4-10.9-15
"Loan agreement"

Sec. 15. "Loan agreement" when used in connection with the multiple project program means an agreement providing for the authority, or a lender with which the authority has contracted, to lend the proceeds derived from the issuance of bonds pursuant to IC 4-4-11 to one (1) or more contracting parties to be used to pay the cost of one (1) or more industrial development projects and providing for the repayment of such loan by the contracting party or parties, and which may provide for the loans to be secured or evidenced by one (1) or more notes, debentures, or other secured or unsecured debt obligations of the contracting party or parties, delivered to the authority or to the trustee under the indenture pursuant to which the bonds were issued.
As added by P.L.20-1985, SEC.1. Amended by P.L.20-1988, SEC.6; P.L.11-1990, SEC.10.

IC 4-4-10.9-16
Repealed

(As added by P.L.20-1985, SEC.1. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-10.9-17
Repealed

(As added by P.L.20-1985, SEC.1. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-10.9-17.3
"Mortgage credit certificates"

Sec. 17.3. "Mortgage credit certificates" refers to mortgage credit certificates issued under Section 25 of the Internal Revenue Code of 1986, including any later amendments.
As added by P.L.24-1995, SEC.8.

IC 4-4-10.9-18
"Mortgage payments"

Sec. 18. "Mortgage payments" means periodic payments called for by the mortgage covering interest, installments of principal, taxes and assessments, mortgage insurance premiums, and hazard insurance premiums.
As added by P.L.20-1985, SEC.1.

IC 4-4-10.9-19
"Mortgagee"

Sec. 19. "Mortgagee" means the original lender under a mortgage and the original lender's successors and assigns approved by the authority and may include all insurance companies, trust companies, banks, investment companies, savings banks, executors, trustees, and other fiduciaries, including pensions and retirement funds.
As added by P.L.20-1985, SEC.1. Amended by P.L.11-1990, SEC.11; P.L.215-2016, SEC.24.

IC 4-4-10.9-20
"Mortgagor"
Sec. 20. "Mortgagor" means the original borrower under a mortgage and the original borrower's successors and assigns.
As added by P.L.20-1985, SEC.1. Amended by P.L.215-2016, SEC.25.

IC 4-4-10.9-21
"Multiple project program"
Sec. 21. "Multiple project program" means, among other things, that program of the authority described under IC 4-4-11-18 pursuant to which it acquires from lenders loans made to developers, users, or both, for the financing of industrial development projects, the payment on such loans providing security for the repayment of bonds.
As added by P.L.20-1985, SEC.1. Amended by P.L.11-1990, SEC.12.

IC 4-4-10.9-22
"Person"
Sec. 22. "Person" means any individual or entity.
As added by P.L.20-1985, SEC.1. Amended by P.L.8-1993, SEC.13; P.L.98-2008, SEC.1.

IC 4-4-10.9-23
"Pollution"
Sec. 23. "Pollution" means all forms of environmental pollution, including water pollution, air pollution, sewage, solid and radioactive waste, thermal pollution, radiation contamination, and noise pollution.
As added by P.L.20-1985, SEC.1.

IC 4-4-10.9-24
"Pollution control facility"
Sec. 24. "Pollution control facility" means a facility for the abatement, reduction, or prevention of pollution or for the removal or treatment of any substances in materials being processed that otherwise would cause pollution when used. This includes the following:

(1) Coal washing, coal cleaning, or coal preparation facilities designed to reduce the sulfur and ash levels of Indiana coal.

(2) Coal-fired boiler facilities designed to reduce emissions while burning Indiana coal.

(3) Pollution control equipment to allow for the environmentally sound use of Indiana coal.

As added by P.L.20-1985, SEC.1.

IC 4-4-10.9-24.5
"Public finance director"

Sec. 24.5. "Public finance director" means the public finance director appointed under IC 4-4-11-9.

As added by P.L.162-2007, SEC.4.

IC 4-4-10.9-25
"Sale contract"

Sec. 25. "Sale contract" when used in connection with the multiple project program means a contract providing for the sale of one (1) or more industrial development projects to one (1) or more contracting parties and includes a contract providing for payment of the purchase price in one (1) or more installments. If the sale contract permits title to the industrial development project to pass to the contracting party or parties prior to payment in full of the entire purchase price, it shall also provide for the contracting party or parties to deliver to the authority or to the trustee under the indenture pursuant to which the bonds were issued one (1) or more notes, debentures, or other secured or unsecured debt obligations of the contracting party or parties providing for timely payments, including, without limitation, interest thereon for the balance of the purchase price at or prior to the passage of title.

As added by P.L.20-1985, SEC.1. Amended by P.L.11-1990, SEC.13.

IC 4-4-10.9-26
Repealed

(As added by P.L.20-1985, SEC.1. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-10.9-27
"Single project program"

Sec. 27. "Single project program" means, among other things, that program of the authority described in IC 4-4-11-17 pursuant to which it issues bonds, the proceeds of which are used to finance an industrial development project or projects pursuant to a loan between the authority and the developer or user.

As added by P.L.20-1985, SEC.1. Amended by P.L.11-1990, SEC.14.

IC 4-4-10.9-27.3
"Taxable bonds"

Sec. 27.3. "Taxable bonds" means bonds, the interest on which will not be excluded from the gross income of the owners of the

bonds under Section 103 of the Internal Revenue Code.
As added by P.L.25-1987, SEC.2.

IC 4-4-10.9-27.7
"Tax-exempt bonds"

Sec. 27.7. "Tax-exempt bonds" means bonds, the interest on which will be excluded from the gross income of the owners thereof under Section 103 of the Internal Revenue Code.
As added by P.L.25-1987, SEC.3.

IC 4-4-10.9-28
"User"

Sec. 28. "User" means a person who has entered into a financing agreement with the authority or lender or contract for use with the developer or lender in contemplation of its use of an industrial development project.
As added by P.L.20-1985, SEC.1. Amended by P.L.11-1990, SEC.15.

IC 4-4-11

Chapter 11. Indiana Finance Authority

IC 4-4-11-0.1

Effect of certain amendments to chapter

Sec. 0.1. The amendments made to section 15 of this chapter by P.L.2-1987 take effect on January 1, 1987, and apply to taxable years beginning after December 31, 1986.

As added by P.L.220-2011, SEC.15.

IC 4-4-11-0.3

"Entity" defined; transfer of powers, duties, liabilities, property among entities; references to entities in statutes

Sec. 0.3. (a) As used in this section, "entity" means the following:

(1) The Indiana development finance authority.

(2) The state office building commission.

(3) The Indiana transportation finance authority.

(4) The recreational development commission.

(b) On May 15, 2005, all powers, duties, and liabilities of each entity are transferred to the authority, as the successor agency.

(c) On May 15, 2005, all records and property of each entity, including appropriations and other funds under the control or supervision of the entity, are transferred to the authority, as the successor agency.

(d) After May 14, 2005, any amounts owed to an entity before May 15, 2005, are considered to be owed to the authority, as the successor agency.

(e) After May 14, 2005, a reference to an entity in a statute, rule, or other document is considered a reference to the authority, as the successor agency.

(f) All powers, duties, and liabilities of an entity with respect to bonds issued by that entity in connection with any trust agreement or indenture securing those bonds are transferred to the authority, as the successor agency. The rights of the trustee under any trust agreement or indenture and the rights of the bondholders of an entity remain unchanged, although the powers, duties, and liabilities of the entity have been transferred to the authority, as the successor agency.

As added by P.L.220-2011, SEC.16.

IC 4-4-11-0.4

Transfer of powers, duties, agreements, liabilities, records, money, and property to authority; bonds; rights of trustee and bondholders

Sec. 0.4. (a) On May 15, 2005, all powers, duties, agreements, and liabilities of the treasurer of state, the auditor of state, the department of environmental management, and the budget agency with respect to:

(1) the wastewater revolving loan program established by

IC 13-18-13-1;

(2) the drinking water revolving loan program established by IC 13-18-21-1; and

(3) the supplemental drinking water and wastewater assistance program established by IC 13-18-21-21;

are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) through (3).

(b) On May 15, 2005, all records, money, and other property of the treasurer of state, the auditor of state, the department of environmental management, and the budget agency with respect to:

(1) the wastewater revolving loan program established by IC 13-18-13-1;

(2) the drinking water revolving loan program established by IC 13-18-21-1; and

(3) the supplemental drinking water and wastewater assistance program established by IC 13-18-21-21;

are transferred to the authority as the successor agency for the limited purposes described in subdivisions (1) through (3).

(c) On May 15, 2005, all powers, duties, agreements, and liabilities of the Indiana bond bank, the Indiana department of environmental management, and the budget agency with respect to:

(1) outstanding bonds issued for:

(A) the wastewater revolving loan program established by IC 13-18-13-1; or

(B) the drinking water revolving loan program established by IC 13-18-21-1; and

(2) any trust agreement or indenture, security agreement, purchase agreement, or other undertaking entered into in connection with the bonds described in subdivision (1);

are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) and (2). The rights of the trustee and the bondholders with respect to any bonds or any trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in this subsection remain the same, although the powers, duties, agreements, and liabilities of the Indiana bond bank have been transferred to the authority and the authority shall be considered to have assumed all those powers, duties, agreements, and liabilities as if the authority were the Indiana bond bank for those limited purposes.

(d) On July 1, 2016, all powers, duties, agreements, and liabilities of the treasurer of state, the auditor of state, the department of natural resources, the natural resources commission, and the budget agency with respect to:

(1) the flood control program established by IC 14-28-5-1; and

(2) the flood control revolving fund created by IC 14-28-5-5;

are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) and (2).

(e) On July 1, 2016, all records, money, and other property of the

treasurer of state, the auditor of state, the department of natural resources, the natural resources commission, and the budget agency with respect to:

(1) the flood control program established by IC 14-28-5-1; and

(2) the flood control revolving fund created by IC 14-28-5-5;

are transferred to the authority as the successor agency for the limited purposes described in subdivisions (1) and (2).

As added by P.L.220-2011, SEC.17. Amended by P.L.111-2016, SEC.1.

IC 4-4-11-0.5

Transfer of IHEFFA powers, duties, liabilities, records, money, and property to authority; references to IHEFFA; bonds; rights of trustee and bondholders

Sec. 0.5. (a) As used in this section, "IHEFFA" means the Indiana health and educational facility financing authority established by IC 5-1-16-2 (before its repeal).

(b) On July 1, 2007, all powers, duties, and liabilities of the IHEFFA are transferred to the authority, as the successor entity. The terms of office of the members of the IHEFFA serving on June 30, 2007, terminate on July 1, 2007.

(c) On July 1, 2007, all records and property of the IHEFFA, including appropriations and other funds under its control or supervision, are transferred to the authority, as the successor entity.

(d) After July 1, 2007, any amounts owed to the IHEFFA before July 1, 2007, are considered to be owed to the authority, as the successor entity.

(e) After June 30, 2007, a reference to the IHEFFA in a statute, rule, or other document is considered a reference to the authority, as the successor entity.

(f) All powers, duties, and liabilities of the IHEFFA with respect to bonds issued by the IHEFFA in connection with any trust agreement or indenture securing those bonds are transferred to the authority, as the successor entity. The rights of the trustee under any trust agreement or indenture and the rights of the bondholders of the IHEFFA remain unchanged, although the powers, duties, and liabilities of the IHEFFA have been transferred to the authority, as the successor entity.

As added by P.L.220-2011, SEC.18.

IC 4-4-11-1

Title

Sec. 1. This chapter may be cited as "The Indiana finance authority law".

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.16; P.L.235-2005, SEC.6.

IC 4-4-11-2

Legislative findings of fact; purpose

Sec. 2. (a) The legislature makes the following findings of fact:

(1) That there currently exists in certain areas of the state critical conditions of unemployment, inadequate drinking water, inadequate wastewater and storm water management, or environmental pollution, including water pollution, air pollution, sewage and solid waste, radioactive waste, thermal pollution, radiation contamination, and noise pollution, and that these conditions may well exist, from time to time, in other areas of the state.

(2) That in some areas of the state such conditions are chronic and of long standing and that without remedial measures they may become so in other areas of the state.

(3) That economic insecurity due to unemployment, inadequate drinking water, inadequate wastewater and storm water management, or environmental pollution is a menace to the health, safety, morals, and general welfare of not only the people of the affected areas but of the people of the entire state.

(4) That involuntary unemployment and its resulting burden of indigency falls with crushing force upon the unemployed worker and ultimately upon the state in the form of public assistance and unemployment compensation.

(5) That security against unemployment and the resulting spread of indigency and economic stagnation in the areas affected can best be provided by:

(A) the promotion, attraction, stimulation, rehabilitation, and revitalization of industrial development projects, rural development projects, mining operations, and agricultural operations that involve the processing of agricultural products;

(B) the promotion and stimulation of international exports; and

(C) the education, both formal and informal, of people of all ages throughout the state by the promotion, attraction, construction, renovation, rehabilitation, and revitalization of and assistance to educational facility projects.

(6) That the present and prospective health, safety, morals, right to gainful employment, and general welfare of the people of the state require as a public purpose the provision of safe drinking water, the provision of wastewater and storm water management, the abatement or control of pollution, the promotion of increased educational enrichment (including cultural, intellectual, scientific, or artistic opportunities) for people of all ages through new, expanded, or revitalized educational facility projects or through assisting educational facility projects, and the promotion of employment creation or retention through development of new and expanded industrial development projects, rural development projects, mining

operations, and agricultural operations that involve the processing of agricultural products.

(7) That there is a need to stimulate a larger flow of private investment funds from commercial banks, investment bankers, insurance companies, other financial institutions, and individuals into such industrial development projects, rural development projects, mining operations, international exports, and agricultural operations that involve the processing of agricultural products in the state.

(8) That the authority can encourage the making of loans or leases for creation or expansion of industrial development projects, rural development projects, mining operations, international exports, and agricultural operations that involve the processing of agricultural products, thus putting a larger portion of the private capital available in Indiana for investment to use in the general economic development of the state.

(9) That the issuance of bonds of the authority to create a financing pool for industrial development projects and carrying out the purposes of IC 13-18-13 and IC 13-18-21 promoting a substantial likelihood of opportunities for:

(A) gainful employment;

(B) business opportunities;

(C) educational enrichment (including cultural, intellectual, scientific, or artistic opportunities);

(D) the abatement, reduction, or prevention of pollution;

(E) the provision of safe drinking water;

(F) the provision of wastewater and storm water management;

(G) the removal or treatment of any substances in materials being processed that otherwise would cause pollution when used; or

(H) increased options for and availability of child care;

will improve the health, safety, morals, and general welfare of the people of the state and constitutes a public purpose for which the authority shall exist and operate.

(10) That the issuance of bonds of the authority to create a funding source for the making of guaranteed participating loans will promote and encourage an expanding international exports market and international exports sales and will promote the general welfare of all of the people of Indiana by assisting Indiana businesses through stimulation of the expansion of international exports sales for Indiana products and services, especially those of small and medium-sized businesses, by providing financial assistance through the authority.

(b) The Indiana finance authority shall exist and operate for the public purposes of:

(1) promoting opportunities for gainful employment and business opportunities by the promotion and development of

industrial development projects, rural development projects, mining operations, international exports, and agricultural operations that involve the processing of agricultural products, in any areas of the state;

(2) promoting the educational enrichment (including cultural, intellectual, scientific, or artistic opportunities) of all the people of the state by the promotion, development, and assistance of educational facility projects;

(3) promoting affordable farm credit and agricultural loan financing at interest rates that are consistent with the needs of borrowers for farming and agricultural enterprises;

(4) preventing and remediating environmental pollution, including water pollution, air pollution, sewage and solid waste disposal, radioactive waste, thermal pollution, radiation contamination, and noise pollution affecting the health and well-being of the people of the state by:

(A) the promotion and development of industrial development projects; and

(B) carrying out the purposes of IC 13-18-13 and IC 13-18-21;

(5) promoting the provision of safe and adequate drinking water and wastewater and storm water management to positively affect the public health and well-being by carrying out the purposes of IC 13-18-13 and IC 13-18-21;

(6) otherwise positively affecting the public health and well-being by carrying out the purposes of IC 13-18-13 and IC 13-18-21;

(7) promoting affordable and accessible child care for the people of the state by the promotion and development of child care facilities; and

(8) carrying out the purposes of IC 5-1-17.5 concerning a motorsports investment district.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.24-1983, SEC.1; P.L.20-1985, SEC.2; P.L.25-1987, SEC.4; P.L.20-1988, SEC.7; P.L.11-1990, SEC.17; P.L.24-1995, SEC.9; P.L.227-1999, SEC.6 and P.L.273-1999, SEC.195; P.L.4-2002, SEC.2; P.L.235-2005, SEC.7; P.L.233-2013, SEC.2.

IC 4-4-11-2.5

Legislative findings of fact; purpose

Sec. 2.5. (a) The general assembly makes the following findings of fact in addition to those set forth in section 2 of this chapter:

(1) There are currently numerous bodies corporate and politic of the state, with separate decision making and borrowing authority, that may issue bonds, notes, and obligations, and otherwise access the financial markets.

(2) Consolidation of this decision making and borrowing authority may provide economic efficiencies and management

synergies and enable the state to communicate, with a single voice, with the various participants in the financial markets, including credit rating agencies, investment bankers, investors, and municipal bond insurers and other credit enhancers.

(b) In addition to the purposes set forth in section 2 of this chapter, the authority is established for the purpose of permitting the consolidation of certain bodies in a single body of decision making concerning access to the capital and financial markets in the name of, or for the benefit of, the state.

(c) The authority is authorized to carry out the public purposes provided for in the affected statutes through a single entity in order to achieve the purposes of this section.

As added by P.L.235-2005, SEC.8. Amended by P.L.1-2006, SEC.27.

IC 4-4-11-2.7
Construction of article; priority of definitions

Sec. 2.7. (a) This article and the affected statutes shall be liberally construed to effect the purposes of this article and the affected statutes.

(b) To the extent that the definitions in an affected statute are inconsistent with the definitions in this chapter or IC 4-4-10.9, the definitions in the affected statute prevail.

(c) Except as otherwise provided by subsection (b), to the extent that the provisions of this article are inconsistent with the provisions of any other general, special, or local law, the provisions of this article are controlling and supersede all other laws.

As added by P.L.235-2005, SEC.9. Amended by P.L.162-2007, SEC.5.

IC 4-4-11-3
Repealed

(Repealed by P.L.20-1985, SEC.18(b).)

IC 4-4-11-4
Creation; membership

Sec. 4. (a) There is created for the public purposes set forth in section 2.5 of this chapter a body politic and corporate, not a state agency but an independent instrumentality exercising essential public functions, to be known as the Indiana finance authority. The authority is separate and apart from the state in its corporate and sovereign capacity, and though separate from the state, the exercise by the authority of its powers constitutes an essential governmental, public, and corporate function.

(b) The authority shall be composed of the following five (5) members:

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

(2) The treasurer of state, or the treasurer of state's designee.

(3) Three (3) members appointed by the governor, no more than two (2) of whom may be from the same political party.

(c) All members shall be residents of the state.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.18; P.L.235-2005, SEC.10.

IC 4-4-11-5

Members; terms of office

Sec. 5. Appointments to the authority under section 4(b)(3) of this chapter are for terms of four (4) years. Each member appointed to the authority under section 4(b)(3) of this chapter:

(1) holds office for the term of this appointment;

(2) continues to serve after expiration of the appointment until a successor is appointed and qualified;

(3) is eligible for reappointment; and

(4) may be removed from office by the governor with or without cause and serves at the pleasure of the governor.

The governor shall fill a vacancy for the unexpired term of any member appointed under section 4(b)(3) of this chapter.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.19; P.L.235-2005, SEC.11.

IC 4-4-11-6

Officers; compensation of members

Sec. 6. (a) The members shall elect from among their number a vice chairman and other officers as they may determine.

(b) The members of the authority are entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with their duties as provided by law. Members are not entitled to the salary per diem provided by IC 4-10-11-2.1(b) or any other compensation while performing their duties.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.20-1985, SEC.3; P.L.11-1990, SEC.20; P.L.235-2005, SEC.12.

IC 4-4-11-7

Vesting of powers; quorum; voting

Sec. 7. The powers of the authority are vested in the members. Three (3) members of the authority constitute a quorum for the transaction of business. The affirmative vote of at least three (3) members is necessary for any action to be taken by the authority. Members may vote by written proxy delivered in advance to any other member who is present at the meeting. A vacancy in the membership of the authority does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.21; P.L.235-2005, SEC.13.

IC 4-4-11-8

Meetings

Sec. 8. Meetings of the members of the authority shall be held at the call of the chairman or whenever any three (3) members so request. In any event, the members shall meet at least once every three (3) months to attend to the business of the authority.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.22.

IC 4-4-11-9

Public finance director; powers and duties

Sec. 9. The governor shall appoint the public finance director, who shall serve at the pleasure of the governor. The public finance director shall:

(1) administer, manage, and direct the affairs and activities of the authority and the employees of the authority in accordance with the policies and under the control and direction of the members of the authority;

(2) approve all accounts for salaries, allowable expenses of the authority or of any employee or consultant, and expenses incidental to the operation of the authority; and

(3) perform other duties as may be directed by the members of the authority in carrying out the purposes of the affected statutes.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.23; P.L.24-1995, SEC.10; P.L.235-2005, SEC.14.

IC 4-4-11-10

Public finance director; attendance; record keeping duties; certification of copies

Sec. 10. The public finance director shall attend the meetings of the members of the authority, shall keep a record of the proceedings of the authority, and shall maintain and be custodian of all books, documents, and papers filed with the authority and its official seal. The public finance director may make copies of all minutes and other records and documents of the authority and may give certificates under seal of the authority to the effect that the copies are true copies. All persons dealing with the authority may rely upon these certificates.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.24; P.L.235-2005, SEC.15.

IC 4-4-11-11

Employment; delegation of administrative duties

Sec. 11. (a) The authority may, without the approval of the attorney general or any other state officer, employ bond counsel, other legal counsel, technical experts, and such other officers, agents, and employees, permanent or temporary, as it considers necessary to carry out the efficient operation of the authority, and shall determine

their qualifications, duties, compensation, and terms of service. The authority shall fix the compensation of the public finance director.

(b) The members of the authority may adopt a resolution delegating to:

(1) a member of the authority;

(2) the public finance director; or

(3) one (1) or more agents or employees of the authority;

administrative duties that they consider proper, including the powers of the authority set forth in this section.

(c) Employees of the authority shall not be considered employees of the state.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.25; P.L.18-1992, SEC.2; P.L.235-2005, SEC.16.

IC 4-4-11-12

Members; conflicts of interest; disclosure

Sec. 12. Any member or employee of the authority who has, will have, or later acquires an interest, direct or indirect, in any transaction with the authority shall immediately disclose the nature and extent of the interest in writing to the authority as soon as the member or employee has knowledge of the actual or prospective interest. The disclosure shall be announced in open meeting and entered upon the minutes of the authority. Upon disclosure, the member or employee shall not participate in any action by the authority authorizing the transaction. An interest shall not invalidate actions by the authority with the participation of the disclosing member prior to the time when the member became aware of the interest or should reasonably have become aware of the interest.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.26; P.L.215-2016, SEC.26.

IC 4-4-11-13

State officers and employees; nonforfeiture of offices and employment

Sec. 13. Notwithstanding the provisions of any other law, no officer or employee of the state forfeits the officer's or employee's office or employment by reason of the officer's or employee's acceptance of membership in the authority or by reason of the officer or employee providing services to the authority.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.27; P.L.215-2016, SEC.27.

IC 4-4-11-14

Members; surety bonds

Sec. 14. (a) Each member of the authority, the public finance director, and any other employee or agent of the authority authorized by resolution of the authority to handle funds or sign checks, before beginning the individual's duties, shall execute a surety bond in the

penal sum of fifty thousand dollars ($50,000). To the extent an individual described in this section is already covered by a bond required by state law, the individual need not obtain another bond so long as the bond required by state law is in at least the penal sum specified in this section and covers the individual's activities for the authority. In lieu of a bond, the chairman of the authority may execute a blanket surety bond covering each member and the employees or other officers of the authority. Each surety bond shall be conditioned upon the faithful performance of the individual's duties and shall be issued by a surety company authorized to transact business in this state as surety. At all times after the issuance of any surety bonds, each individual described in this section shall maintain the surety bonds in full force and effect. All costs of the surety bonds shall be borne by the authority.

(b) The public finance director, before beginning the public finance director's duties, must:

(1) execute a surety bond as provided in subsection (a); or

(2) be included in the coverage of a blanket surety bond described in subsection (a).

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.28; P.L.24-1995, SEC.11; P.L.235-2005, SEC.17.

IC 4-4-11-14.5

State debt management plan; requirements

Sec. 14.5. The authority, after consulting with the treasurer of state, the Indiana bond bank, the budget agency, and the commission for higher education, shall establish and periodically update a state debt management plan. The plan must include at least the following provisions with respect to debt issued or to be issued by the authority, other bodies corporate and politic of the state, and state educational institutions:

(1) An inventory of existing debt.

(2) Projections of future debt obligations.

(3) Recommended criteria for the appropriate use of debt as a means to finance capital projects.

(4) Recommended strategies to minimize costs associated with debt issuance.

(5) An analysis of the impact of debt issued by all bodies corporate and politic and state educational institutions on the state budget.

(6) Recommended guidelines for the prudent issuance of debt that creates a moral obligation of the state to pay all or part of the debt.

(7) Recommended policies for the investment of:

(A) proceeds of bonds, notes, or other obligations issued by bodies corporate and politic and state educational institutions; and

(B) other money, funds, and accounts owned or held by a

body corporate and politic.

(8) Recommended policies for the establishment of a system of record keeping and reporting to meet the arbitrage rebate compliance requirements of the Internal Revenue Code.

(9) Recommended policies for the preparation of financial disclosure documents, including official statements accompanying debt issues, comprehensive annual financial reports, and continuing disclosure statements. The recommended policies must include a provision for approval by the budget director of any statements or reports that include a discussion of the state's economic and fiscal condition.

(10) Potential opportunities to more effectively and efficiently authorize and manage debt.

(11) Recommendations to the budget director, the governor, and the general assembly with respect to financing of capital projects.

The recommendations to the general assembly under subdivision (11) must be in an electronic format under IC 5-14-6.

As added by P.L.235-2005, SEC.18. Amended by P.L.2-2007, SEC.22.

IC 4-4-11-15

Powers

Sec. 15. (a) The authority is granted all powers necessary or appropriate to carry out and effectuate its public and corporate purposes under the affected statutes, including but not limited to the following:

(1) Have perpetual succession as a body politic and corporate and an independent instrumentality exercising essential public functions.

(2) Without complying with IC 4-22-2, adopt, amend, and repeal bylaws, rules, guidelines, and policies not inconsistent with the affected statutes, and necessary or convenient to regulate its affairs and to carry into effect the powers, duties, and purposes of the authority and conduct its business under the affected statutes. These bylaws, rules, guidelines, and policies must be made by a resolution of the authority introduced at one (1) meeting and approved at a subsequent meeting of the authority.

(3) Sue and be sued in its own name.

(4) Have an official seal and alter it at will.

(5) Maintain an office or offices at a place or places within the state as it may designate.

(6) Make, execute, and enforce contracts and all other instruments necessary, convenient, or desirable for the purposes of the authority or pertaining to:

(A) a purchase, acquisition, or sale of securities or other investments; or

(B) the performance of the authority's duties and execution of any of the authority's powers under the affected statutes.

(7) Employ architects, engineers, attorneys, inspectors, accountants, agriculture experts, silviculture experts, aquaculture experts, and financial experts, and such other advisors, consultants, and agents as may be necessary in its judgment and to fix their compensation.

(8) Procure insurance against any loss in connection with its property and other assets, including loans and loan notes in amounts and from insurers as it may consider advisable.

(9) Borrow money, make guaranties, issue bonds, and otherwise incur indebtedness for any of the authority's purposes, and issue debentures, notes, or other evidences of indebtedness, whether secured or unsecured, to any person, as provided by the affected statutes. Notwithstanding any other law, the:

(A) issuance by the authority of any indebtedness that establishes a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to restore a debt service reserve fund or another fund to required levels; or

(B) execution by the authority of any other agreement that creates a moral obligation of the state to pay all or part of any indebtedness issued by the authority;

is subject to review by the budget committee and approval by the budget director.

(10) Procure insurance or guaranties from any public or private entities, including any department, agency, or instrumentality of the United States, for payment of any bonds issued by the authority, including the power to pay premiums on any insurance or reinsurance.

(11) Purchase, receive, take by grant, gift, devise, bequest, or otherwise, and accept, from any source, aid or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of the affected statutes, subject to the conditions upon which the grants or contributions are made, including but not limited to gifts or grants from any department, agency, or instrumentality of the United States, and lease or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with real or personal property or any interest in real or personal property, wherever situated, for any purpose consistent with the affected statutes.

(12) Enter into agreements with any department, agency, or instrumentality of the United States or this state and with lenders and enter into loan agreements, sales contracts, and leases with contracting parties, including participants (as defined in IC 13-11-2-151.1) for any purpose permitted under IC 13-18-13 or IC 13-18-21, borrowers, lenders, developers, or users, for the purpose of planning, regulating, and providing for

the financing and refinancing of any agricultural enterprise (as defined in IC 5-28-31-1), rural development project (as defined in IC 5-28-31-20), industrial development project, purpose permitted under IC 13-18-13 and IC 13-18-21, or international exports, and distribute data and information concerning the encouragement and improvement of agricultural enterprises and agricultural employment, rural development projects, industrial development projects, international exports, and other types of employment in the state undertaken with the assistance of the authority under this chapter.

(13) Enter into contracts or agreements with lenders and lessors for the servicing and processing of loans and leases pursuant to the affected statutes.

(14) Provide technical assistance to local public bodies and to profit and nonprofit entities in the development or operation of agricultural enterprises, rural development projects, and industrial development projects.

(15) To the extent permitted under its contract with the holders of the bonds of the authority, consent to any modification with respect to the rate of interest, time, and payment of any installment of principal or interest, or any other term of any contract, loan, loan note, loan note commitment, contract, lease, or agreement of any kind to which the authority is a party.

(16) To the extent permitted under its contract with the holders of bonds of the authority, enter into contracts with any lender containing provisions enabling it to reduce the rental or carrying charges to persons unable to pay the regular schedule of charges when, by reason of other income or payment by any department, agency, or instrumentality of the United States of America or of this state, the reduction can be made without jeopardizing the economic stability of the agricultural enterprise, rural development project, or industrial development project being financed.

(17) Notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, invest:

(A) the authority's money, funds, and accounts;

(B) any money, funds, and accounts in the authority's custody; and

(C) proceeds of bonds or notes;

in the manner provided by an investment policy established by resolution of the authority.

(18) Fix and revise periodically, and charge and collect, fees and charges as the authority determines to be reasonable in connection with:

(A) the authority's loans, guarantees, advances, insurance, commitments, and servicing; and

(B) the use of the authority's services or facilities.

(19) Cooperate and exchange services, personnel, and

information with any federal, state, or local government agency, or instrumentality of the United States or this state.
(20) Sell, at public or private sale, with or without public bidding, any loan or other obligation held by the authority.
(21) Enter into agreements concerning, and acquire, hold, and dispose by any lawful means, land or interests in land, building improvements, structures, personal property, franchises, patents, accounts receivable, loans, assignments, guarantees, and insurance needed for the purposes of the affected statutes.
(22) Take assignments of accounts receivable, loans, guarantees, insurance, notes, mortgages, security agreements securing notes, and other forms of security, attach, seize, or take title by foreclosure or conveyance to any industrial development project when a guaranteed loan thereon is clearly in default and when in the opinion of the authority such acquisition is necessary to safeguard the industrial development project guaranty fund, and sell, or on a temporary basis, lease or rent such industrial development project for any use.
(23) Expend money provided to the authority by the Indiana economic development corporation from the industrial development project guaranty fund created by IC 5-28-30, subject to the terms of any agreement with the Indiana economic development corporation governing the expenditure of that money.
(24) Purchase, lease as lessee, construct, remodel, rebuild, enlarge, or substantially improve industrial development projects, including land, machinery, equipment, or any combination thereof.
(25) Lease industrial development projects to users or developers, with or without an option to purchase.
(26) Sell industrial development projects to users or developers, for consideration to be paid in installments or otherwise.
(27) Make direct loans from the proceeds of the bonds to users or developers for:

(A) the cost of acquisition, construction, or installation of industrial development projects, including land, machinery, equipment, or any combination thereof; or

(B) eligible expenditures for an educational facility project described in IC 4-4-10.9-6.2(a)(2);

with the loans to be secured by the pledge of one (1) or more bonds, notes, warrants, or other secured or unsecured debt obligations of the users or developers.
(28) Lend or deposit the proceeds of bonds to or with a lender for the purpose of furnishing funds to such lender to be used for making a loan to a developer or user for the financing of industrial development projects under this chapter.
(29) Enter into agreements with users or developers to allow the users or developers, directly or as agents for the authority, to

wholly or partially construct industrial development projects to be leased from or to be acquired by the authority.
(30) Establish reserves from the proceeds of the sale of bonds, other funds, or both, in the amount determined to be necessary by the authority to secure the payment of the principal and interest on the bonds.
(31) Adopt rules and guidelines governing its activities authorized under the affected statutes.
(32) Use the proceeds of bonds to make guaranteed participating loans.
(33) Purchase, discount, sell, and negotiate, with or without guaranty, notes and other evidences of indebtedness.
(34) Sell and guarantee securities.
(35) Make guaranteed participating loans under IC 4-4-21-26.
(36) Procure insurance to guarantee, insure, coinsure, and reinsure against political and commercial risk of loss, and any other insurance the authority considers necessary, including insurance to secure the payment of principal and interest on notes or other obligations of the authority.
(37) Provide performance bond guarantees to support eligible export loan transactions, subject to the terms of the affected statutes.
(38) Provide financial counseling services to Indiana exporters.
(39) Accept gifts, grants, or loans from, and enter into contracts or other transactions with, any federal or state agency, municipality, private organization, or other source.
(40) Sell, convey, lease, exchange, transfer, or otherwise dispose of property or any interest in property, wherever the property is located.
(41) Cooperate with other public and private organizations to promote export trade activities in Indiana.
(42) Cooperate with the Indiana economic development corporation in taking any actions necessary for the administration of the agricultural loan and rural development project guarantee fund established by IC 5-28-31.
(43) In cooperation with the Indiana economic development corporation, take assignments of notes and mortgages and security agreements securing notes and other forms of security, and attach, seize, or take title by foreclosure or conveyance to any agricultural enterprise or rural development project when a guaranteed loan to the enterprise or rural development project is clearly in default and when in the opinion of the Indiana economic development corporation the acquisition is necessary to safeguard the agricultural loan and rural development project guarantee fund, and sell, or on a temporary basis, lease or rent the agricultural enterprise or rural development project for any use.
(44) Expend money provided to the authority by the Indiana

economic development corporation from the agricultural loan and rural development project guarantee fund created by IC 5-28-31, subject to the terms of any agreement with the Indiana economic development corporation governing the expenditure of that money.

(45) Reimburse from bond proceeds expenditures for industrial development projects under this chapter.

(46) Acquire, hold, use, and dispose of the authority's income, revenues, funds, and money.

(47) Purchase, acquire, or hold debt securities or other investments for the authority's own account at prices and in a manner the authority considers advisable, and sell or otherwise dispose of those securities or investments at prices without relation to cost and in a manner the authority considers advisable.

(48) Fix and establish terms and provisions with respect to:

(A) a purchase of securities by the authority, including dates and maturities of the securities;

(B) redemption or payment before maturity; and

(C) any other matters that in connection with the purchase are necessary, desirable, or advisable in the judgment of the authority.

(49) To the extent permitted under the authority's contracts with the holders of bonds or notes, amend, modify, and supplement any provision or term of:

(A) a bond, a note, or any other obligation of the authority; or

(B) any agreement or contract of any kind to which the authority is a party.

(50) Subject to the authority's investment policy, do any act and enter into any agreement pertaining to a swap agreement (as defined in IC 8-9.5-9-4) related to the purposes of the affected statutes in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7, whether the action is incidental to the issuance, carrying, or securing of bonds or otherwise.

(51) Do any act necessary or convenient to the exercise of the powers granted by the affected statutes, or reasonably implied from those statutes, including but not limited to compliance with requirements of federal law imposed from time to time for the issuance of bonds.

(b) The authority's powers under this chapter shall be interpreted broadly to effectuate the purposes of this chapter and may not be construed as a limitation of powers. The omission of a power from the list in subsection (a) does not imply that the authority lacks that power. The authority may exercise any power that is not listed in subsection (a) but is consistent with the powers listed in subsection (a) to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(c) This chapter does not authorize the financing of industrial development projects for a developer unless any written agreement that may exist between the developer and the user at the time of the bond resolution is fully disclosed to and approved by the authority.

(d) The authority shall work with and assist the Indiana housing and community development authority established by IC 5-20-1-3, the ports of Indiana established under IC 8-10-1-3, and the state fair commission established by IC 15-13-2-1 in the issuance of bonds, notes, or other indebtedness. The Indiana housing and community development authority, the ports of Indiana, and the state fair commission shall work with and cooperate with the authority in connection with the issuance of bonds, notes, or other indebtedness.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.24-1983, SEC.3; P.L.20-1985, SEC.4; P.L.2-1987, SEC.2; P.L.25-1987, SEC.5; P.L.20-1988, SEC.8; P.L.11-1990, SEC.29; P.L.24-1995, SEC.12; P.L.4-2002, SEC.3; P.L.235-2005, SEC.19; P.L.232-2005, SEC.3; P.L.1-2006, SEC.28 and P.L.181-2006, SEC.1; P.L.162-2007, SEC.6; P.L.2-2008, SEC.15; P.L.98-2008, SEC.2.

IC 4-4-11-15.1
Repealed

(As added by P.L.5-1996, SEC.2. Amended by P.L.235-2005, SEC.20. Repealed by P.L.177-2011, SEC.5.)

IC 4-4-11-15.2
Guaranteed participating loans; export loans required to be sold; bond issuance

Sec. 15.2. (a) Before using the proceeds of bonds to make a guaranteed participating loan, the authority shall require the financial institution to which the authority makes the guaranteed participating loan to make eligible export loans and sell them to the authority within a reasonable period of time.

(b) Issuance of bonds by the authority to fund the program of the authority under IC 4-4-21 is subject to the general provisions for the issuance of bonds set forth in this chapter, except for the requirements for the issuance of bonds under sections 17 and 17.5 of this chapter.

As added by P.L.20-1988, SEC.9. Amended by P.L.11-1990, SEC.30.

IC 4-4-11-15.3
Prohibited activities

Sec. 15.3. The authority:

(1) may not deal in securities within the meaning of or subject to any securities law, securities exchange law, or securities dealers law of the United States of America or of the state or of any other state or jurisdiction, domestic or foreign, except as authorized in the affected statutes;

(2) may not:

(A) emit bills of credit;
(B) accept deposits of money for time or demand deposit;
(C) administer trusts;
(D) engage in any form or manner, or in the conduct of, any private or commercial banking business; or
(E) act as a savings bank, savings association, or any other kind of financial institution; and

(3) may not engage in any form of private or commercial banking business.

As added by P.L.235-2005, SEC.21. Amended by P.L.1-2006, SEC.29.

IC 4-4-11-15.4
Issuance of bonds for the wastewater revolving loan program and the drinking water revolving loan program

Sec. 15.4. (a) The authority may issue bonds or notes and invest or loan the proceeds of those bonds or notes to a participant (as defined in IC 13-11-2-151.1) for the purposes of:

(1) the wastewater revolving loan program established by IC 13-18-13-1; and
(2) the drinking water revolving loan program established by IC 13-18-21-1.

(b) If the authority loans money to or purchases debt securities of a political subdivision (as defined in IC 13-11-2-164(a) and IC 13-11-2-164(b)), the authority may, by the resolution approving the bonds or notes, provide that subsection (c) is applicable to the political subdivision.

(c) Notwithstanding any other law, to the extent that any department or agency of the state, including the treasurer of state, is the custodian of money payable to the political subdivision (other than for goods or services provided by the political subdivision), at any time after written notice to the department or agency head from the authority that the political subdivision is in default on the payment of principal or interest on the obligations then held or owned by or arising from an agreement with the authority, the department or agency shall withhold the payment of that money from that political subdivision and pay over the money to the authority for the purpose of paying principal of and interest on bonds or notes of the authority. However, the withholding of payment from the political subdivision and payment to the authority under this section must not adversely affect the validity of the obligation in default.

As added by P.L.235-2005, SEC.22.

IC 4-4-11-15.5
Public offering for sale or lease of property or interests acquired for an industrial development project

Sec. 15.5. (a) In addition to the powers enumerated in section 15(a) of this chapter, the authority may, in lieu of a private sale or

leasing as authorized by section 15(a) of this chapter or a financing of an industrial development project under section 17 of this chapter, decide to hold a public offering under this section for the sale or leasing of any land or interests in land, building improvements, structures, personal property, and franchises and patents acquired by the authority under this chapter for an industrial development project. If the authority decides to hold a public offering for the sale or leasing of any property or interests acquired for an industrial development project, the offering shall be made in accordance with this section.

(b) Before offering for sale or lease to the public any property or interests acquired for an industrial development project under this section, the authority shall prepare an offering sheet showing the property or interests to be offered and copies of the offering sheets shall be furnished to prospective buyers or lessees. Maps and plats of the property and any additional information considered appropriate by the authority shall also be kept available for inspection at the office of the authority.

(c) The authority shall publish a notice of the offering in accordance with IC 5-3-1. The notice must state that at a designated time the authority will open and consider written offers for the purchase or lease of the property or interests being offered. In giving the notice, it is not necessary to describe specifically the property or interests or to specify the exact terms of the disposition, but the notice must state the general location of the property or interests and call attention generally to any requirements or limitations that the authority may establish in respect to the industrial development project.

(d) At the time fixed in the notice, the authority shall open and consider any offers received. All offers received shall be opened at public meetings of the authority and shall be kept open for public inspection.

(e) The authority may reject any or all bids or may make awards to the highest and best bidder or bidders. In determining the highest and best bids, the authority may take into consideration the following:

(1) The size and character of the improvements for the industrial development project as proposed by the bidder to be made on the property and the terms and conditions of the consideration offered by the bidder.

(2) The bidder's plans and ability to carry out the industrial development project with reasonable promptness.

(3) Whether the property and interests to be acquired by the bidder will be leased or released for the industrial development project.

(4) The nature and extent of any obligations to be undertaken by the authority in conjunction with the improvement of the property or interests to be acquired for the industrial

development project as proposed by the bidder.

(5) The potential impact of the bidder's proposal on the creation of new employment or the retention of existing employment resulting from the industrial development project.

(6) The potential impact of the bidder's proposal to attract or establish a major new business enterprise or to retain or expand a significant existing business enterprise that will provide or preserve gainful employment for the citizens of the state.

(7) The economic benefits to the state and its citizens that will result from the industrial development project, as proposed by the bidder, including the dollar volume of new or preserved wages and salaries, increases in or preservation of state and local government tax revenues, the incremental economic benefits to the citizens of the state, the state, and local governmental units potentially resulting from the industrial development project as proposed by the bidder, and any other direct or indirect economic benefit to the state and its citizens resulting from the industrial development project as proposed by the bidder.

(8) The potential impact and benefit to the state and its citizens of the industrial development project as proposed by the bidder from the standpoint of both human and economic welfare.

(f) In making an award to the highest and best bidder as provided in subsection (e), the authority shall determine whether in its judgment the potential benefits to the state and its citizens of the industrial development project as proposed by the bidder exceed the direct costs to the authority of acquiring the property and interests being offered for sale or lease for the industrial development project less any sums to be paid by the successful bidder pursuant to its bid. The authority's judgment concerning this determination shall be based on the economic studies, analyses, and projections that the authority determines are reasonably necessary. The authority's determination is final and conclusive.

(g) The authority may contract with a bidder concerning any of the factors listed in subsection (e), and the contract may provide for the deposit of surety bonds, the making of good faith deposits, liquidated damages, the right of reversion or repurchase, or other rights and remedies if the bidder fails to comply with the contract.

(h) After the opening, consideration, and determination of the written offers filed in response to the notice, the authority may dispose of all or part of the remaining available property or interests for any approved use, either at public sale or by private negotiation carried on by the authority, its regular employees, or real estate experts employed for that purpose. For a period of thirty (30) days after the opening of the written offers and determination on them, no sale, exchange, or lease may be made on terms less than that shown on the offering sheet, but after that period the authority may adjust the offering terms it considers necessary to further the industrial

development project.

(i) An action to contest the validity of any sale or lease awarded and approved by the authority under this section may not be commenced more than thirty (30) days following the authority's adoption of a resolution designating the successful bidder or bidders and stating and approving the basic terms and conditions of the sale or lease.

As added by P.L.24-1987, SEC.4. Amended by P.L.11-1990, SEC.31.

IC 4-4-11-15.6

Additional authority powers

Sec. 15.6. In addition to the powers listed in section 15 of this chapter, the authority may:

(1) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire obligations issued by any entity authorized to acquire, finance, construct, or lease capital improvements under IC 5-1-17;

(2) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire any obligations issued by the northwest Indiana regional development authority established by IC 36-7.5-2-1;

(3) enter into leases and issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to carry out the purposes of IC 5-1-17.5 within a motorsports investment district; and

(4) perform any other functions determined by the authority to be necessary or appropriate to carry out the purposes of IC 5-1-17.5 within a motorsports investment district.

As added by P.L.214-2005, SEC.1. Amended by P.L.182-2009(ss), SEC.50; P.L.233-2013, SEC.3; P.L.121-2016, SEC.1.

IC 4-4-11-15.7

Requirements; establishment of terms governing reserves or funding levels

Sec. 15.7. (a) This section does not apply to any indebtedness issued by the authority if:

(1) the proceeds will be used for a project that has been specifically authorized by the general assembly; or

(2) the indebtedness is authorized under the affected statutes.

(b) Notwithstanding any other law in effect before:

(1) the authority issues indebtedness that establishes a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to restore a debt service reserve fund or another fund to a required level; or

(2) execution by the authority of any other agreement that creates a moral obligation of the state to pay all or any part of any indebtedness issued by the authority;

the authority is subject to, and shall comply with, to the extent practicable, the requirements set forth in IC 5-1.5-5-4(c) through IC 5-1.5-5-4(g) as if the authority was specifically named in IC 5-1.5-5-4(c) through IC 5-1.5-5-4(g).

(c) In addition:

(1) indebtedness described in IC 5-1.5-5-4(c) through IC 5-1.5-5-4(g) is considered a reference to an indebtedness or agreement referred to in this section; and

(2) a qualified entity referred to in IC 5-1.5-5-4(c) through IC 5-1.5-5-4(g) is considered a reference to a borrower of any indebtedness and to any other parties referred to in this section.

As added by P.L.229-2011, SEC.42.

IC 4-4-11-16
Repealed

(As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.24-1983, SEC.4; P.L.20-1985, SEC.5; P.L.24-1987, SEC.5; P.L.11-1990, SEC.32; P.L.16-1991, SEC.1; P.L.15-1991, SEC.2; P.L.214-2005, SEC.2. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-11-16.1
Repealed

(As added by P.L.291-2001, SEC.146. Amended by P.L.170-2002, SEC.9. Repealed by P.L.2-2005, SEC.131.)

IC 4-4-11-16.2
Validity of loan guarantees made by Indiana development finance authority under prior statute

Sec. 16.2. Notwithstanding the expiration of section 16.1 of this chapter on December 31, 2002, a loan guarantee made by the Indiana development finance authority under that section before December 31, 2002, remains a valid and binding obligation of the Indiana development finance authority after December 31, 2002, as if section 16.1 of this chapter had not expired.

As added by P.L.220-2011, SEC.19.

IC 4-4-11-16.3
Repealed

(As added by P.L.18-1992, SEC.3. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-11-16.5
Repealed

(As added by P.L.16-1991, SEC.2. Amended by P.L.235-2005, SEC.23. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-11-16.7
Validity of Indiana employment development commission

guarantee made before January 1, 1985

Sec. 16.7. (a) As used in this section, "Indiana development finance authority" refers to the Indiana development finance authority transferred to the authority by P.L.235-2005, SECTION 213.

(b) As used in this section, "Indiana employment development commission" refers to the Indiana employment development commission transferred to the Indiana development finance authority by P.L.11-1990, SECTION 139.

(c) The restrictions on eligibility of any mortgage or security agreement under IC 4-4-11-16 (before its repeal) do not invalidate any guarantee of the Indiana employment development commission made before January 1, 1985.

As added by P.L.220-2011, SEC.20. Amended by P.L.39-2011, SEC.1.

IC 4-4-11-16.8

Transfer of bond powers, duties, and liabilities of the Indiana employment development commission and the Indiana agricultural development corporation; rights of trustee and bondholders; validity of certain bonds

Sec. 16.8. (a) All powers, duties, and liabilities of the Indiana employment development commission and the Indiana agricultural development corporation with respect to bonds issued by the commission or the corporation in connection with any trust agreement or indenture securing those bonds are transferred to the authority.

(b) The rights of the trustee under any trust agreement or indenture and the rights of the bondholders of the Indiana employment development commission and the Indiana agricultural development corporation remain unchanged, although the powers, duties, and liabilities of the commission and the corporation have been transferred to the authority.

(c) All bonds issued by the Indiana employment development commission and the Indiana agricultural development corporation are hereby legalized and declared valid if these bonds have been delivered and payment for those bonds has been received before July 1, 1990. All proceedings had and actions taken under which the bonds were issued are hereby fully legalized and declared valid.

As added by P.L.220-2011, SEC.21. Amended by P.L.39-2011, SEC.2.

IC 4-4-11-16.9

Transfer of IHEFFA powers, duties, liabilities, records, money, and property to authority; references to IHEFFA; bonds; rights of trustee and bondholders

Sec. 16.9. (a) As used in this section, "IHEFFA" means the Indiana health and educational facility financing authority

established by IC 5-1-16-2 (before its repeal).

(b) As used in this section, "IFA" means the Indiana finance authority established by IC 4-4-11-4.

(c) On July 1, 2007, all powers, duties, and liabilities of the IHEFFA are transferred to the IFA, as the successor entity. The terms of office of the members of the IHEFFA serving on June 30, 2007, terminate on July 1, 2007.

(d) On July 1, 2007, all records and property of the IHEFFA, including appropriations and other funds under the control or supervision of the authority, are transferred to the IFA, as the successor entity.

(e) After July 1, 2007, any amounts owed to the IHEFFA before July 1, 2007, are considered to be owed to the IFA, as the successor entity.

(f) After June 30, 2007, a reference to the IHEFFA in a statute, rule, or other document is considered a reference to the IFA, as the successor entity.

(g) All powers, duties, and liabilities of the IHEFFA with respect to bonds issued by the IHEFFA in connection with any trust agreement or indenture securing those bonds are transferred to the IFA, as the successor entity. The rights of the trustee under any trust agreement or indenture and the rights of the bondholders of the IHEFFA remain unchanged, although the powers, duties, and liabilities of the IHEFFA have been transferred to the IFA, as the successor entity.

As added by P.L.220-2011, SEC.22.

IC 4-4-11-17

Industrial development projects; financing; procedure; approval

Sec. 17. (a) The authority may enter into negotiations with one (1) or more persons concerning the terms and conditions of financing agreements for industrial development projects. The authority shall consider whether a proposed industrial development project may have an adverse competitive effect on similar industrial development projects already constructed or operating in the local governmental unit where the industrial development project will be located. Preliminary expenses in connection with negotiations under this section may be paid from:

(1) money furnished by the proposed user or developer;

(2) money made available by the state or federal government, or by any of their departments or agencies; or

(3) money of the authority.

(b) The authority shall prepare a report that:

(1) briefly describes the proposed industrial development project;

(2) estimates the number and expense of public works or services that would be made necessary or desirable by the proposed industrial development project, including public ways,

schools, water, sewers, street lights, and fire protection;

(3) estimates the total costs of the proposed industrial development project;

(4) for an industrial development project that is not exclusively either a pollution control facility or an educational facility project, estimates the number of jobs and the payroll to be created or saved by the project;

(5) for pollution control facilities, describes the facilities and how they will abate, reduce, or prevent pollution;

(6) for educational facility projects, describes how the project promotes the educational enrichment (including cultural, intellectual, scientific, or artistic opportunities) of the people of the state; and

(7) for child care facility projects, describes the facilities and how the facilities promote accessibility to and increased options for child care for the people of the state.

The report shall be submitted to the executive director or chairman of the plan commission, if any, having jurisdiction over the industrial development project and, if the number of new jobs estimated exceeds one hundred (100), to the superintendent of the school corporation where the industrial development project will be located. The executive director or chairman of the plan commission and the school superintendent may formulate their written comments concerning the report and transmit their comments, if any, to the authority within five (5) days from the receipt of the report.

(c) The authority shall hold a public hearing, which may be conducted by the authority, or any officer, member, or agent designated thereby, on the proposed financing agreement for the industrial development project, after giving notice by publication in one (1) newspaper of general circulation in the city, town, or county where the industrial development project is to be located at least ten (10) days in advance of this public hearing.

(d) If the authority finds that the industrial development project will be of benefit to the health, safety, morals, and general welfare of the area where the industrial development project is to be located, and complies with the purposes and provisions of this chapter, it may by resolution approve the proposed financing agreement. This resolution may also authorize the issuance of bonds payable solely from revenues and receipts derived from the financing agreement or from payments made under an agreement to guarantee obligations of the developer, a user, a related person, or the authority by a developer, a user, a related person thereto, or the authority and the Indiana economic development corporation pursuant to the industrial development project guaranty fund under IC 5-28-30. The bonds are not in any respect a general obligation of the state, nor are they payable in any manner from revenues raised by taxation.

(e) A financing agreement approved under this section must provide for payments in an amount sufficient to pay the principal of,

premium, if any, and interest on the bonds authorized for the financing of the industrial development project. However, interest payments for the anticipated construction period, plus a period of not more than one (1) year, may be funded in the bond issue. The term of a financing agreement may not exceed fifty (50) years from the date of any bonds issued under the financing agreement. However, a financing agreement does not terminate after fifty (50) years if a default under that financing agreement remains uncured, unless the termination is authorized by the terms of the financing agreement. If the authority retains an interest in the industrial development project, the financing agreement must require the user or the developer to pay all costs of maintenance, repair, taxes, assessments, insurance premiums, trustee's fees, and any other expenses relating to the industrial development projects, so that the authority will not incur any expenses on account of the industrial development projects other than those that are covered by the payments provided for in the financing agreement.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.20-1985, SEC.6; P.L.24-1987, SEC.6; P.L.11-1990, SEC.33; P.L.24-1995, SEC.13; P.L.227-1999, SEC.7 and P.L.273-1999, SEC.196; P.L.4-2002, SEC.4; P.L.162-2007, SEC.7.

IC 4-4-11-17.5

Industrial development project financing; bond issuance

Sec. 17.5. (a) In addition to all other authority granted to the authority under this chapter, including the authority to borrow money and to issue bonds to finance directly or indirectly the acquisition or development of industrial development projects undertaken or initiated by the authority, the authority may initiate programs for financing industrial development projects for developers and users in Indiana through the issuance of bonds under this chapter. In furtherance of this objective, the authority may do any of the following:

(1) Establish eligibility standards for developers and users, without complying with IC 4-22-2. However, these standards have the force of law if the standards are adopted after a public hearing for which notice has been given by publication under IC 5-3-1.

(2) Contract with any entity securing the payment of bonds issued under this chapter and authorizing the entity to approve the developers and users that can finance or refinance industrial development projects with proceeds from the bond issue secured by that entity.

(3) Lease to a developer or user industrial development projects upon terms and conditions that the authority considers proper and, with respect to the lease:

(A) charge and collect rents;

(B) terminate the lease upon the failure of the lessee to

comply with any of its obligations under the lease or otherwise as the lease provides; and

(C) include in the lease provisions that the lessee has the option to renew the term of the lease for such periods and at such rents as may be determined by the authority or to purchase any or all of the industrial development projects to which the lease applies.

(4) Lend money, upon such terms and conditions as the authority considers proper, to a developer or user under an installment purchase contract or loan agreement to:

(A) finance, reimburse, or refinance the cost of an industrial development project; and

(B) take back a secured or unsecured promissory note evidencing such a loan or a security interest in the industrial development project financed or refinanced with the loan.

(5) Sell or otherwise dispose of any unneeded or obsolete industrial development project under terms and conditions determined by the authority.

(6) Maintain, repair, replace, and otherwise improve or cause to be maintained, repaired, replaced, and otherwise improved any industrial development project owned by the authority.

(7) Require any type of security that the authority considers reasonable and necessary.

(8) Obtain or aid in obtaining property insurance on all industrial development projects owned or financed, or accept payment if any industrial development project property is damaged or destroyed.

(9) Enter into any agreement, contract, or other instrument with respect to any insurance, guarantee, letter of credit, or other form of credit enhancement, accepting payment in such manner and form as provided in the instrument if a developer or user defaults, and assign any such insurance, guarantee, letter of credit, or other form of credit enhancement as security for bonds issued by the authority.

(10) Finance for eligible developers and users in connection with their industrial development projects:

(A) the cost of their industrial development projects; and

(B) in the case of a program funded from the proceeds of taxable bonds, working capital associated with the operation of such industrial development projects;

in amounts determined to be appropriate by the authority.

(11) Issue bonds to fund a program for financing multiple, identified or unidentified industrial development projects if the authority finds that issuance of the bonds will be of benefit to the health, safety, morals, or general welfare of the state and complies with the purposes and provisions of this chapter by promoting a substantial likelihood for:

(A) creating opportunities for gainful employment;

(B) creating business opportunities;
(C) educational enrichment (including cultural, intellectual, scientific, or artistic opportunities);
(D) the abatement, reduction, or prevention of pollution;
(E) the removal or treatment of any substances in materials being processed that would otherwise cause pollution when used; or
(F) promoting affordable and accessible child care.

The authority may by resolution approve the proposed taxable bond issue. The authority may use appropriations to create a debt service reserve fund for the purpose of allowing the authority to issue pooled bonds, either tax-exempt or taxable, for the construction or renovation of licensed child care facilities (or child care facilities that are in the process of being licensed) under the authority's industrial development project section.

(b) As each unidentified industrial development project is identified for possible funding from a program under subsection (a)(11), the requirements of sections 17(a), 17(b), 17(c), and 17(e) of this chapter shall be complied with as a condition precedent to entering into a financing agreement for the funding of the industrial development project.

(c) Bonds issued to fund a program under this section are not in any respect a general obligation of the state, nor are they payable in any manner from revenues raised by taxation.

(d) Any resolution adopted to authorize the issuance of taxable bonds to fund a program under subsection (a)(11) may provide that the bonds are payable solely from:

(1) revenues and receipts derived from the various financing agreements; or
(2) the payments made under any other agreements to secure the obligations of the developers, users, related persons, or the authority.

As added by P.L.25-1987, SEC.6. Amended by P.L.11-1990, SEC.34; P.L.24-1995, SEC.14; P.L.227-1999, SEC.8; P.L.273-1999, SEC.197; P.L.14-2000, SEC.10; P.L.162-2007, SEC.8.

IC 4-4-11-18

Certain loans; investment, purchase, or commitments by authority

Sec. 18. (a) The authority may invest in, purchase or make commitments to invest in or purchase, and take assignments or make commitments to take assignments of, loans made for the acquisition, construction, installation, rehabilitation, or purchase of industrial development projects. Prior to investment, purchase, assignment, or commitment, the lender shall certify that the proceeds of the authority's bonds will be used to make loans to provide financing for industrial development projects, or pending the making of such loans, invested in short term obligations complying with the requirements of this chapter. The authority shall purchase loans at a

purchase price equal to the outstanding principal balance, but the authority may require a discount from the principal balance or make a payment of a premium to effect a fair rate of return for the lender, as determined by the rate of return on comparable investments under market conditions existing at the time of purchase. In addition to the payment of the outstanding principal balance, the authority shall pay the accrued interest due thereon, on the date the loan is delivered against payment therefor or on another date as may be established by agreement between the authority and the selling lender. The authority shall comply with section 17(b), 17(c), and 17(d) of this chapter in connection with the multiple project program described in this section.

(b) Before exercising any of the powers authorized in this section, the authority shall require the lender to certify and agree that:

(1) the loan is, or, if the same has not been made, will be, at the time of making, in all respects a prudent investment; and

(2) the lender will make the loans and sell the same to the authority within a reasonable period of time.

(c) Before exercising any of the powers conferred by this section, the authority may:

(1) require that the loan involved be insured by a loan insurer or be guaranteed by a loan guarantor;

(2) require any type of security that it deems reasonable and necessary; or

(3) authorize the reservation of funds by lenders in the amount and subject to conditions as the authority considers reasonable and necessary under this chapter.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.25-1987, SEC.7; P.L.11-1990, SEC.35.

IC 4-4-11-19

Power to borrow money and issue bonds

Sec. 19. (a) The authority shall have the power to borrow money and to issue its bonds from time to time in such principal amounts as the authority determines shall be necessary to provide sufficient funds to carry out its purposes, including:

(1) carrying out the powers stated in this chapter;

(2) the payment of interest on bonds of the authority;

(3) the establishment of reserves to secure the bonds; and

(4) all other expenditures of the authority incident to, necessary, and convenient to carry out its purposes and powers.

(b) The authority may also issue bonds in the manner and for the purposes provided by the affected statutes.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.36; P.L.24-1995, SEC.15; P.L.235-2005, SEC.24; P.L.162-2007, SEC.9.

IC 4-4-11-20

Refunding bonds; issuance; application of proceeds; terms

Sec. 20. (a) The authority shall have the power to issue, from time to time, bonds to renew or to pay bonds, including the interest thereon, if such bonds have been issued to finance projects that constitute industrial development projects, and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund outstanding bonds and partly for any other of its corporate purposes as long as the bonds to be refunded were issued to finance projects that constitute industrial development projects. The refunding bonds may be sold and the proceeds applied to the purchase, redemption, or payment of the bonds to be refunded, or exchanged for the bonds to be refunded. With respect to any bonds issued for an industrial development project under this chapter, the cumulative terms of refunding bonds shall not exceed fifty (50) years for any industrial development project or group of industrial development projects financed at the same time. If issued to refund bonds issued under IC 36-7-12 to finance projects that constitute industrial development projects, the cumulative terms of refunding bonds may not exceed forty (40) years.

(b) A savings to the authority or to the unit issuing the bonds to be refunded is not required for the issuance of the refunding bonds or the issuance of bonds to refund refunding bonds. Refunding bonds issued under this section are payable solely from revenues and receipts derived from:

(1) financing agreements with the users or developers of the facilities originally financed by the outstanding bonds, or related persons; or

(2) payments made under guaranty agreements by developers, users, or related persons.

The financing agreements or guaranties may be new financing agreements or guaranties or amendments of the original financing agreements or guaranties.

(c) Refunding bonds issued under this section are not in any respect a general obligation of the authority, nor are the bonds payable in any manner from revenues raised by taxation.

(d) Section 17(b) and 17(c) of this chapter does not apply to the issuance of refunding bonds under this section.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.37; P.L.24-1995, SEC.16.

IC 4-4-11-21

Bonds; liability of authority; pledges as additional security

Sec. 21. Except as may otherwise be expressly provided by the authority, every issue of its bonds shall be obligations of the authority payable solely out of any specified revenue or money of the authority, subject only to any agreements with the holders of

particular bonds pledging any particular money or revenue. The bonds may be additionally secured by a pledge of any grant, contribution, or guarantee from the federal government or any corporation, limited liability company, association, institution, or person or a pledge of any money, income, or revenue of the authority from any source.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.38; P.L.8-1993, SEC.14.

IC 4-4-11-22

Bonds; liability of state

Sec. 22. No bonds issued by the authority under this chapter shall constitute a debt, liability, or obligation of the state, or a pledge of the faith and credit of the state, but shall be payable solely as provided by section 21 of this chapter. Each bond issued under this chapter shall contain on its face a statement that neither the faith and credit nor the taxing power of the state is pledged to the payment of the principal of or the interest on the bond.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.39.

IC 4-4-11-23

Bonds; issuance; procedure; terms

Sec. 23. The bonds shall be authorized by a resolution of the authority, shall bear the date or dates, and shall mature at a time or times as the resolution may provide, except that no bond shall mature more than fifty (50) years from the date of its issue, except as provided in section 20 of this chapter. The bonds shall be in denominations, be in the form, either coupon or registered, carry the conversion or registration privileges, be executed in the manner, be payable in the medium of payment at the place or places inside or outside Indiana, and be subject to the terms of redemption, including redemption prior to maturity, as the resolution or any trust agreement or indenture of the authority securing the bonds may provide. The bonds shall bear interest at a rate or rates that may be fixed, variable, fixed convertible to variable, variable convertible to fixed, or any combination of these rates. Variable rates shall be determined in the manner and in accordance with the provisions set forth in the resolution or the trust agreement or indenture securing the bonds. The interest on the bonds may be payable at the time or times or at the interval or intervals as may be provided in the resolution or the trust agreement or indenture securing the bonds, including the compounding and payment of interest at maturity or at any other time or times as may be specified in the resolution, trust agreement, or indenture. The bonds and their issuance shall not be subject to the provisions of any other statute concerning bonds or the issuance of bonds. Bonds of the authority may be sold by the authority at public or private sale, and at a price or prices as the authority shall

determine. No action to contest the validity of any bonds issued or guarantees entered into by the authority under this chapter shall be commenced more than thirty (30) days following the adoption of the resolution approving such bonds or guarantees as provided in this chapter.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.40.

IC 4-4-11-24

Bonds; authorized provisions

Sec. 24. Any resolution authorizing the issuance of bonds or trust agreement or indenture pursuant to which the bonds are issued may contain provisions, which shall be a part of the contract or contracts with the holders of the bonds, as to the following:

(1) Pledging all or any part of the revenue of the authority to secure the payment of the bonds, subject to agreements with bondholders as may then exist.

(2) Pledging all or any part of the assets of the authority, including loans and obligations securing the same, to secure the payment of the bonds, subject to agreements with bondholders as may then exist.

(3) The use and disposition of the gross income from loans owned by the authority and payment of the principal of loans owned by the authority.

(4) The setting aside of reserves or sinking funds and the regulation and disposition thereof.

(5) Limitations on the purposes to which the proceeds from the sale of bonds may be applied and pledging the proceeds to secure the payment of the bonds.

(6) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding or other bonds.

(7) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders must consent to, and the manner in which the consent may be given.

(8) Limitations on the amount of money to be expended by the authority for operating expenses of the authority.

(9) Vesting in a trustee or trustee property, rights, powers, and trust as the authority may determine, and limiting or abrogating the right of the bondholders to appoint a trustee or limiting the rights, powers, and duties of the trustee.

(10) Defining the acts or omissions which shall constitute a default and the obligations or duties of the authority to the holders of the bonds, and providing for the rights and remedies of the holders of the bonds in the event of default, including as a matter of right the appointment of a receiver. However, the rights and remedies shall not be inconsistent with the general

laws of this state and other provisions of this chapter.

(11) Any other matter, of like or different character, which in any way affects the security or protection of the holders of the bonds.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.41.

IC 4-4-11-25
Pledges

Sec. 25. Any pledge made by the authority shall be valid and binding from the time when the pledge is made. The revenue, money, or properties so pledged and thereafter received by the authority shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether the parties have notice. The resolution or any other instrument by which a pledge is created does not need to be recorded.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.42.

IC 4-4-11-26
Bonds; purchase by authority

Sec. 26. The authority, subject to any agreements with bondholders as may then exist, shall have power out of any funds available to purchase bonds of the authority, which shall thereupon be cancelled, at any reasonable price which, if the bonds are then redeemable, shall not exceed the redemption price then applicable plus accrued interest to the next interest payment on the bond.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.43.

IC 4-4-11-27
Bonds; trust agreement or indenture

Sec. 27. The bonds may be secured by a trust agreement or indenture by and between the authority and a corporate trustee, which may be a bank having the power of a trust company or any trust company within or without the state. The trust agreement or indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the exercise of its powers and the custody, safekeeping, and application of all money related to the particular bond financing for which said trust agreement or indenture exists. The authority may provide by the trust agreement or indenture for the payment of the proceeds of the bonds and the revenue to the trustee under the trust agreement or indenture or other depository, and for the method of disbursement thereof, with safeguards and

restrictions as the authority may determine. All expenses incurred in carrying out the trust agreement or indenture may be treated as a part of the operating expenses of the authority. If the bonds are secured by a trust agreement or indenture, the bondholders shall have no authority to appoint a separate trustee to represent them.
As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.44.

IC 4-4-11-28
Bonds; negotiability

Sec. 28. Whether the bonds are in the form and character of negotiable instruments, the bonds are hereby made negotiable instruments, subject only to provisions of the bonds relating to registration.
As added by Acts 1982, P.L.16, SEC.1.

IC 4-4-11-29
Bonds; execution; manual or facsimile signatures

Sec. 29. Any bonds issued by the authority under this chapter shall be executed by the manual or facsimile, except as otherwise provided in this chapter, signatures of such officers or agents of the authority as the authority shall designate. In the event bonds are issued pursuant to a trust indenture, the manual authentication of each bond by the trustee shall be required. In the event that bonds are issued without a trust indenture or trustee, at least one (1) of the officers or agents of the authority shall manually execute each bond. In the event that any of the members or officers of the authority shall cease to be members or officers of the authority prior to the delivery of any bonds or coupons signed by them, their signatures or facsimiles shall nevertheless be valid and sufficient for all purposes the same as if the members or officers had remained in office until the delivery.
As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.45.

IC 4-4-11-30
Personal liability for acts authorized by affected statutes

Sec. 30. The members of the authority, the officers and employees of the authority, the public finance director, any agents of the authority, and any other persons executing bonds issued under the affected statutes are not subject to personal liability or accountability by reason of any act authorized by the affected statutes, including without limitation the issuance of bonds, the failure to issue bonds, the execution of bonds, and the making of guarantees.
As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.24-1987, SEC.7; P.L.11-1990, SEC.46; P.L.235-2005, SEC.25.

IC 4-4-11-31

Funds and accounts; establishment

Sec. 31. The authority may create and establish any funds and accounts necessary or desirable for its purposes.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.47; P.L.162-2007, SEC.10.

IC 4-4-11-32

Money; deposit; security; trust funds

Sec. 32. All money received by the authority, except as provided in the affected statutes, shall be deposited as soon as practical in a separate account or accounts in banks or trust companies organized under the laws of this state or in national banking associations. The money in these accounts shall be paid out on checks signed by the chairman or other officers or employees of the authority as the authority shall authorize or by wire transfer or other electronic means authorized by the authority. All deposits of money shall, if required by the authority, be secured in a manner that the authority determines to be prudent, and all banks or trust companies are authorized to give security for the deposits. Notwithstanding any other provisions of law to the contrary, all money received pursuant to the authority of the affected statutes are trust funds to be held and applied solely as provided in the affected statutes. The resolution authorizing any obligations, or trust agreement or indenture securing the same, may provide that any of the money may be temporarily invested pending the disbursement thereof, and shall provide that any officer with whom or any bank or trust company with which the money shall be deposited shall act as trustee of the money and shall hold and apply the same for the authorized purposes of the authority, subject to regulations as the affected statutes, the authority's investment policy, and the resolution or trust agreement or indenture may provide.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.48; P.L.235-2005, SEC.26.

IC 4-4-11-33

Money for the payment of bonds; contracts; security

Sec. 33. Notwithstanding section 32 of this chapter, the authority shall have the power to contract with the holders of any of its bonds as to the custody, collection, securing, investment, and payment of any money of the authority and of any money held in trust or otherwise for the payment of bonds, and to carry out the contract. Money held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of money may be secured in the same manner as money of the authority, and all banks and trust companies are authorized to give security for the deposits.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.49.

IC 4-4-11-34

State pledge to bondholders

Sec. 34. The state does hereby pledge to and agree with the holder of any bonds issued under this chapter that the state will not limit or alter the rights vested in the authority to fulfill the terms of any agreements made with such holders or in any way impair the rights or remedies of such holders until the bonds, together with the interest, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of the bonds.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.50.

IC 4-4-11-35

Payment of expenses and power to incur indebtedness; limitations; authority budget

Sec. 35. (a) All expenses incurred by the authority in carrying out the affected statutes shall be payable solely from funds provided under the affected statutes, and nothing in the affected statutes shall be construed to authorize the authority to incur indebtedness or liability of the state or any political subdivision of it.

(b) The authority shall annually prepare a budget that allocates the expenses incurred by the authority in an equitable manner among the various financing programs administered by the authority.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.51; P.L.235-2005, SEC.27.

IC 4-4-11-36

Repealed

(Repealed by P.L.1-1991, SEC.6.)

IC 4-4-11-36.1

Property; tax exemption

Sec. 36.1. (a) Except as provided in subsections (b) through (c), all property, both tangible and intangible, acquired or held by the authority under the affected statutes is declared to be public property used for public and governmental purposes, and all such property and income therefrom shall at all times be exempt from all taxes imposed by this state, any county, any city, or any other political subdivision of this state, except for the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

(b) Property owned by the authority and leased to a person for an industrial development project is not public property. The property and the industrial development project are subject to all taxes of the state or any county, city, or other political subdivision of the state in the same manner and subject to the same exemptions as are applicable to all persons.

(c) Any industrial development project financed by a loan under the authority of this chapter shall not be considered public property and shall not be exempt from any taxes of this state, or any county, city, or other political subdivision thereof, except for pollution control equipment.

(d) An agricultural enterprise or rural development project financed by a loan under the authority of this chapter or IC 5-28-31 shall not be considered public property and shall not be exempt from Indiana taxes or any county, city, or other political subdivision of the state.

As added by P.L.1-1991, SEC.7. Amended by P.L.254-1997(ss), SEC.1; P.L.235-2005, SEC.28; P.L.162-2007, SEC.11.

IC 4-4-11-36.5

Bonds; tax exemption

Sec. 36.5. Bonds issued under this chapter and:

(1) proceeds received from their sale by a holder, to the extent of the holder's costs of acquisition;

(2) proceeds received on their redemption before maturity;

(3) proceeds received at their maturity; and

(4) interest received on them;

are exempt from state taxes as provided by IC 6-8-5.

As added by P.L.25-1987, SEC.8.

IC 4-4-11-37

Bonds; legal investments; securities

Sec. 37. The bonds issued by and under the authority of this chapter by the authority are declared to be legal investments in which all public officers or public bodies of this state, its political subdivisions, all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on insurance business, all banks, bankers, banking associations, trust companies, savings associations, including savings and loan associations, building and loan associations, investment companies, and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons who are now or may later be authorized to invest in bonds or in other obligations of this state, may invest funds, including capital, in their control or belonging to them. The bonds are also made securities which may be deposited with and received by all public officers and bodies of this state or any agency or political subdivisions of this state and all municipalities and public commissions for any purpose for which the deposit of bonds or other obligations of this state is now or may be later authorized by law.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.53.

IC 4-4-11-38

Annual report

Sec. 38. The authority shall, following the close of each fiscal year, submit an annual report of its activities under the affected statutes for the preceding year to the governor, the budget committee, and the general assembly. A report submitted to the general assembly must be in an electronic format under IC 5-14-6. Each report shall set forth a complete operating and financial statement for the authority during the fiscal year it covers.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.54; P.L.235-2005, SEC.29.

IC 4-4-11-39

Application of state laws

Sec. 39. The issuance of bonds and the promulgation of rules under the affected statutes need not comply with the requirements of any other state laws applicable thereto. No proceedings, notice, or approval shall be required for the issuance of any bonds or any instrument or the security therefor, except as provided in the affected statutes. All agricultural enterprises, rural development projects, and industrial development projects for which funds are advanced, loaned, or otherwise provided by the authority under this chapter or IC 5-28-31 must be in compliance with any land use, zoning, subdivision, and other laws of this state applicable to the land upon which the agricultural enterprise, rural development project, or industrial development project is located or is to be constructed, but a failure to comply with these laws does not invalidate any bonds issued to finance an agricultural enterprise, rural development project, or industrial development project.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.55; P.L.235-2005, SEC.30; P.L.162-2007, SEC.12.

IC 4-4-11-40

Income and assets of authority; reversion

Sec. 40. Except as provided in IC 13-18-13 or IC 13-18-21, all income and assets of the authority are for its own use without appropriation, but shall revert to the state general fund if the authority by resolution transfers money to the state general fund or if the authority is dissolved.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990, SEC.56; P.L.235-2005, SEC.31.

IC 4-4-11-41

Bonds and securities; exemption from securities registration laws

Sec. 41. Any bonds issued by the authority pursuant to this chapter and any other securities issued in connection with a financing under this chapter shall be exempt from the registration and other requirements of IC 23-19 and any other securities registration laws.

As added by Acts 1982, P.L.16, SEC.1. Amended by P.L.11-1990,

SEC.57; P.L.27-2007, SEC.1; P.L.162-2007, SEC.13.

IC 4-4-11-42
Repealed

(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-11-43
Legislative findings; clean coal technology program; financing of clean coal technology projects; procedure; contributions from beneficiaries

Sec. 43. (a) In addition to the findings of fact set forth in section 2 of this chapter, the general assembly finds that:

(1) the federal Clean Air Act, as implemented, will have a harmful and injurious effect on the state's coal industry, resulting in critical and chronic conditions of unemployment affecting the unemployed workers and their families and communities and, ultimately, the state;

(2) there exists clean coal technology that, if successfully implemented, will increase the fortunes of the coal industry and, as a result, workers in the industry and their families and communities and, ultimately, the state; and

(3) implementation of clean coal technology consistent with the findings of fact set forth in subdivisions (1) and (2) serves the public purposes of public health, welfare, safety, and economic development.

(b) For purposes of this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(c) There is created within the authority a clean coal technology program. The authority shall manage the clean coal technology program with the advice of the lieutenant governor.

(d) Subject to subsection (i), the authority is authorized and directed to issue revenue bonds, or to guarantee its revenue bonds, in an amount not to exceed forty million dollars ($40,000,000), under this chapter to finance clean coal technology projects, including all costs related to the financing. Subject to subsection (i), as an alternative to issuing revenue bonds, and notwithstanding any other law, the authority may guarantee revenue bonds issued by another body politic and corporate of the state or a political subdivision for these purposes. Revenue bonds or guarantees are payable solely from or secured by:

(1) revenues from the clean coal technology projects;

(2) contributions made by and to the authority for the clean coal technology program;

(3) appropriations made by the general assembly; and

(4) appropriations or pledges made by other bodies corporate and politic of the state and political subdivisions.

(e) Notwithstanding any other law or provisions of this chapter, revenue bonds may be issued or guaranteed under this section by

resolution of the authority. Subject to subsection (i), no other procedures or findings, including procedures or findings required under this chapter for revenue bonds or guarantees, are required to be followed. The terms of the revenue bonds or the guarantee must be set forth in the resolution in the discretion of the authority.

(f) Bodies corporate and politic of the state and political subdivisions, including cities, towns, and counties, may make appropriations to the clean coal technology program and clean coal technology projects and, notwithstanding any other law, may pledge county option and economic development income tax revenues to the clean coal technology program or one (1) or more clean coal technology projects or to revenue bonds issued or guaranteed for the program or projects, whether by the authority or otherwise.

(g) Revenue bonds and guarantees of the authority under this section do not constitute debt of the state, and the general assembly shall not be obligated to make appropriations to the authority for such purposes.

(h) In addition to other powers granted to the authority or a political subdivision under this chapter, the authority or a political subdivision may lease clean coal technology projects under this section from a lessor corporation or authority and sublease the project to any entity. Bonds issued by any lessor corporation or authority shall be considered revenue bonds of a body politic and corporate of the state or a political subdivision for all purposes of this section.

(i) The authority may not issue revenue bonds to finance a clean coal technology project, guarantee revenue bonds issued by another body corporate and politic of Indiana or a political subdivision to finance a clean coal technology project, or enter into a lease in connection with a clean coal technology project unless and until:

(1) the lieutenant governor evaluates in writing the technical merits and feasibility of the clean coal technology project and the lieutenant governor presents the evaluation with a recommendation to proceed to the budget committee for review;

(2) the authority, in cooperation with the budget agency, evaluates the financial merits and feasibility of the clean coal technology project (including a plan of finance for the project and appropriate assurances that the project will be constructed as contemplated) and the authority presents the evaluation with a recommendation to proceed to the budget committee for review;

(3) the budget committee completes the reviews described in this subsection and makes a recommendation to proceed to the state board of finance; and

(4) the state board of finance approves the undertaking of the clean coal technology project and plan of finance.

(j) In evaluating the technical merits and feasibility of the clean coal technology project, the lieutenant governor may rely upon the

written testimony of outside experts retained for this purpose.

(k) The plan of finance described in subsection (i) must indicate whether, in the authority's opinion, state appropriations will be needed to support the project and if so, the anticipated times and amounts of the appropriations.

(l) In creating the clean coal technology program and in authorizing the financing of clean coal technology projects, the general assembly expects that the plan of finance for each project will take into account revenues from the project and contributions from the beneficiaries of the program. For purposes of this section, "beneficiaries" means corporate and individual sponsors and proponents of projects, the coal industry and coal users, and employees of the coal industry and coal users, and political subdivisions whose economies are dependent in whole or in part on the coal industry. Contributions may be in cash, in kind, or in any combination of in cash and in kind, and may include real and personal property and interests in real and personal property and in technology, patents, licenses, franchises, marketing agreements, and shares and other interests in any of the foregoing. In evaluating and reviewing projects and plans of finance under this section, the authority, the lieutenant governor, the budget agency, the budget committee, and the state board of finance shall be guided by the general assembly's expectation as to contributions from the beneficiaries of the program as described in this subsection. However, failure of any particular beneficiary to contribute to a project shall not in itself disqualify a project.

(m) This section only applies to the clean coal technology program and clean coal technology projects and not to any other programs or projects undertaken by the authority.

As added by P.L.28-1995, SEC.1. Amended by P.L.1-2006, SEC.30.

IC 4-4-11-44
Repealed

(As added by P.L.25-2005, SEC.1. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-11-44.6
Participants in the wastewater revolving loan program, drinking water revolving loan program, and supplemental drinking water and wastewater assistance program; investment of funds

Sec. 44.6. (a) For purposes of this section, "program" refers to:

(1) a program defined in IC 13-11-2-172(a) through IC 13-11-2-172(b); and

(2) the supplemental drinking water and wastewater assistance program established by IC 13-18-21-21.

(b) Notwithstanding any statute applicable to or constituting any limitation on the investment or reinvestment of funds by or on behalf of political subdivisions:

(1) a participant receiving financial assistance in connection with a program may invest and reinvest funds that constitute, replace, or substitute for the proceeds of bonds or other evidence of indebtedness sold to the authority under the program, together with any account or reserves of a participant not funded with the proceeds of the bonds or other evidence of indebtedness purchased by the authority but which secure or provide payment for those bonds or other evidence of indebtedness, in any instrument or other investment authorized under a resolution of the authority; and

(2) a participant that is obligated to make payments on bonds or other evidence of indebtedness purchased in connection with the operation of a program may invest and reinvest funds that constitute, replace, or substitute for the proceeds of those bonds or other evidence of indebtedness, together with any account or reserves of a participant not funded with the proceeds of the bonds or other evidence of indebtedness purchased under the program but which secure or provide payment for those bonds or other evidence of indebtedness, in any instrument or other investment authorized under a resolution of the authority.

As added by P.L.235-2005, SEC.32.

IC 4-4-11-45
Repealed

(As added by P.L.25-2005, SEC.2. Amended by P.L.1-2006, SEC.31. Repealed by P.L.162-2007, SEC.42.)

IC 4-4-11-46
Annual report

Sec. 46. Not later than August 1 of each year, the public finance director shall prepare for the interim study committee on roads and transportation a report that includes the following:

(1) Updates on transportation projects in which the authority is involved, including public-private agreements under IC 8-15.5 or public-private partnerships under IC 8-15.7.

(2) Any other information requested by the study committee.

The report must be submitted in an electronic format under IC 5-14-6.

As added by P.L.16-2014, SEC.2. Amended by P.L.53-2014, SEC.51.

IC 4-4-11.1
Repealed

(Repealed by P.L.24-1995, SEC.29.)

IC 4-4-11.2

Chapter 11.2. Additional Authority: Underground Petroleum Storage Tank Excess Liability Fund

IC 4-4-11.2-1

"Authority"

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

As added by P.L.13-1990, SEC.1. Amended by P.L.235-2005, SEC.33.

IC 4-4-11.2-2

"Bonds"

Sec. 2. As used in this chapter, "bonds" means any bonds, notes, debentures, interim certificates, revenue anticipation notes, warrants, or any other evidences of indebtedness of the authority.

As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-3

"Financial institution"

Sec. 3. As used in this chapter, "financial institution" means a financial institution (as defined in IC 28-1-1).

As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-4

"Holder"

Sec. 4. As used in this chapter, "holder" means a person who is:

(1) the bearer of any outstanding bond or note registered to bearer or not registered; or

(2) the registered owner of any outstanding bond or note that is registered other than to bearer.

As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-5

"Person"

Sec. 5. As used in this chapter, "person" means any individual, partnership, firm, association, joint venture, limited liability company, or corporation.

As added by P.L.13-1990, SEC.1. Amended by P.L.8-1993, SEC.16.

IC 4-4-11.2-6

"Reserve fund"

Sec. 6. As used in this chapter, "reserve fund" means a reserve fund established under section 15 of this chapter.

As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-7

Bonds; issuance; purposes; liability of authority; pledges as

additional security

Sec. 7. (a) The authority may issue its bonds in principal amounts that it considers necessary to provide funds for any purposes under this chapter, including the following:

(1) Providing a source of money for the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1.

(2) Payment, funding, or refunding of the principal of, or interest or redemption premiums on, bonds issued by it under this chapter whether the bonds or interest to be paid, funded, or refunded have or have not become due.

(3) Establishment or increase of reserves to secure or to pay bonds or interest on bonds and all other costs or expenses of the authority incident to and necessary or convenient to carry out the authority's corporate purposes and powers.

(b) Every issue of bonds shall be obligations of the authority payable solely out of the revenues or funds of the authority under section 15 of this chapter, subject to agreements with the holders of a particular series of bonds pledging a particular revenue or fund. Bonds may be additionally secured by a pledge of a grant or contributions from the United States, a political subdivision, or a person, or by a pledge of income or revenues, funds, or money of the authority from any source.

As added by P.L.13-1990, SEC.1. Amended by P.L.1-1996, SEC.21; P.L.9-1996, SEC.1.

IC 4-4-11.2-8

Bonds; state exemption; statement; pledge of state

Sec. 8. (a) A bond of the authority:

(1) is not a debt, liability, loan of the credit, or pledge of the faith and credit of the state or of any political subdivision;

(2) is payable solely from the money pledged or available for its payment under this chapter, unless funded or refunded by bonds of the authority; and

(3) must contain on its face a statement that the authority is obligated to pay principal and interest, and redemption premiums if any, and that the faith, credit, and taxing power of the state are not pledged to the payment of the bond.

(b) The state pledges to and agrees with the holders of the bonds issued under this chapter that the state will not:

(1) limit or restrict the rights vested in the authority to fulfill the terms of any agreement made with the holders of its bonds; or

(2) in any way impair the rights or remedies of the holders of the bonds;

until the bonds, together with the interest on the bonds, and interest on unpaid installments of interest, and all costs and expenses in connection with an action or proceeding by or on behalf of the holders, are fully met, paid, and discharged.

As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-9
Bonds; negotiability

Sec. 9. The bonds of the authority are negotiable instruments for all purposes of the Uniform Commercial Code (IC 26-1), subject only to the provisions of the bonds for registration.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-10
Bonds; issuance; terms; proceedings; interest; redemption

Sec. 10. (a) Bonds of the authority must be authorized by resolution of the authority, may be issued in one (1) or more series, and must:

(1) bear the date;
(2) mature at the time or times;
(3) be in the denomination;
(4) be in the form;
(5) carry the conversion or registration privileges;
(6) have the rank or priority;
(7) be executed in the manner;
(8) be payable from the sources in the medium of payment at the place inside or outside the state; and
(9) be subject to the terms of redemption;

as the resolution of the authority or the trust agreement securing the bonds provides.

(b) Bonds may be issued under this chapter without obtaining the consent of any agency of the state and without any other proceeding or condition other than the proceedings or conditions specified in this chapter.

(c) The rate or rates of interest on the bonds may be fixed or variable. Variable rates shall be determined in the manner and in accordance with the procedures set forth in the resolution authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest, and bonds bearing a fixed rate or rates of interest may be converted to bonds bearing a variable rate of interest, to the extent and in the manner set forth in the resolution pursuant to which the bonds are issued. The interest on bonds may be payable semiannually or annually or at any other interval or intervals as may be provided in the resolution, or the interest may be compounded and paid at maturity or at any other times as may be specified in the resolution.

(d) The bonds may be made subject to mandatory redemption by the authority at the times and under the circumstances set forth in the authorizing resolution.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-11

Bonds; sale; notice

Sec. 11. Bonds of the authority may be sold at public or private sale at the price the authority determines. If bonds of the authority are to be sold at public sale, the authority shall publish notice of the sale for two (2) weeks in two (2) newspapers published and of general circulation in the city of Indianapolis.

As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-12

Bonds; use of proceeds and funds in accordance with contract

Sec. 12. The authority may periodically issue its bonds under this chapter and pay and retire the principal of the bonds or pay the interest due thereon or fund or refund the bonds from proceeds of bonds, or from other funds or money of the authority available for that purpose in accordance with a contract between the authority and the holders of the bonds.

As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-13

Bonds; trust agreement or resolution; contents; expenses

Sec. 13. (a) In the discretion of the authority, any bonds issued under this chapter may be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside the state.

(b) The trust agreement or the resolution providing for the issuance of the bonds may contain provisions for protecting and enforcing the rights and remedies of the holders of any such bonds as are reasonable and proper and not in violation of law.

(c) The trust agreement or resolution may set forth the rights and remedies of the holders of any bonds and of the trustee and may restrict the individual right of action by the holders.

(d) In addition to the provisions of subsections (a), (b), and (c), any trust agreement or resolution may contain other provisions the authority considers reasonable and proper for the security of the holders of any bonds.

(e) All expenses incurred in carrying out the trust agreement or resolution may be paid from revenues or assets pledged or assigned to the payment of the principal of and the interest on bonds or from any other funds available to the authority.

As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-14

Bonds; purchase by authority; presumption of holding for resale or transfer

Sec. 14. The authority may purchase bonds of the authority out of its funds or money available for the purchase of its own bonds. The authority may hold, cancel, or resell the bonds subject to, and in

accordance with, agreements with holders of its bonds. Unless cancelled, bonds so held are considered to be held for resale or transfer and the obligation evidenced by the bonds shall not be considered to be extinguished.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-15
Debt service fund; reserve fund; deposits or transfers; reserve fund disbursements and transfers

Sec. 15. (a) The authority may establish and maintain a debt service fund, and if necessary, a reserve fund, for each issue of bonds in which there shall be deposited or transferred:

(1) all money appropriated by the general assembly for the purpose of the fund in accordance with section 18(a) of this chapter;

(2) all proceeds of bonds required to be deposited in the fund by terms of a contract between the authority and its holders or a resolution of the authority with respect to the proceeds of bonds;

(3) all other money appropriated by the general assembly to the funds; and

(4) any other money or funds of the authority that it decides to deposit in either fund.

(b) Subject to section 18(b) of this chapter, money in any reserve fund shall be held and applied solely to the payment of the interest on and principal of bonds of the authority as the interest and principal become due and payable and for the retirement of bonds.

(c) Money in any reserve fund in excess of the required debt service reserve, whether by reason of investment or otherwise, may be withdrawn at any time by the authority and transferred to another fund or account of the authority, subject to the provisions of any agreement with the holders of any bonds.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-16
Reserve fund; investments authorized

Sec. 16. Money in any reserve fund may be invested in the manner provided in the trust agreement or the resolution authorizing issuance of the bonds.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-17
Reserve fund investments; valuation

Sec. 17. For purposes of valuation, investments in the reserve fund shall be valued at par, or if purchased at less than par, at cost unless otherwise provided by resolution or trust agreement of the authority. Valuation on a particular date shall include the amount of interest then earned or accrued to that date on the money or

investments in the reserve fund.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-18
Debt service appropriation; deposits; nonliability of state; holding and application of funds; transfer of excess funds

Sec. 18. (a) In order to assure the payment of debt service on bonds of the authority issued under this chapter or maintenance of the required debt service reserve in any reserve fund, the general assembly may annually or biannually appropriate to the authority for deposit in one (1) or more of the funds the sum including particularly sums from the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1, that is necessary to pay the debt service on the bonds or to restore one (1) or more of the funds to an amount equal to the required debt service reserve. This subsection does not create a debt or liability of the state to make any appropriation.

(b) All amounts received on account of money appropriated by the state to any fund shall be held and applied in accordance with section 15(b) of this chapter. However, at the end of each fiscal year, if the amount in any fund exceeds the debt service or required debt service reserve, any amount representing earnings or income received on account of any money appropriated to the funds that exceeds the expenses of the authority for that fiscal year may be transferred to the underground petroleum storage tank excess liability trust fund.
As added by P.L.13-1990, SEC.1. Amended by P.L.1-1996, SEC.22; P.L.9-1996, SEC.2.

IC 4-4-11.2-19
Reserve funds; combining

Sec. 19. Subject to any agreement with its holders, the authority may combine a reserve fund established for an issue of bonds into one (1) or more reserve funds.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-20
Funds, reserves, and accounts; establishment

Sec. 20. The authority may establish additional reserves or other funds or accounts as the authority considers necessary, desirable, or convenient to further the accomplishment of its purposes or to comply with any of its agreements or resolutions.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-21
Payment or retirement of bonds; use of funds or accounts

Sec. 21. Unless the resolution or trust agreement authorizing the bonds provides otherwise, money or investments in a fund or account of the authority established or held for the payment of bonds shall be

applied to the payment or retirement of the bonds, and to no other purpose.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-22
Limitation of actions; contesting validity of bonds; presumption; applicability of chapter

Sec. 22. (a) No action to contest the validity of any bonds of the authority to be sold at public sale may be brought after the fifteenth day following the first publication of notice of the sale of the bonds. No action to contest the validity of any bond sale under this chapter may be brought after the fifth day following the bond sale.

(b) If bonds are sold at private sale, no action to contest the validity of such bonds may be brought after the fifteenth day following the adoption of the resolution authorizing the issuance of the bonds.

(c) If an action challenging the bonds of the authority is not brought within the time prescribed by subsection (a) or (b), whichever is applicable, all bonds of the authority are conclusively presumed to be fully authorized and issued under the laws of the state, and a person or a qualified entity is estopped from questioning their authorization, sale, issuance, execution, or delivery by the authority.

(d) If this chapter is inconsistent with any other law (general, special, or local), this chapter controls.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-23
Property; exemption from execution and process; judgment lien; bondholder remedy

Sec. 23. All property of the authority is exempt from levy and sale by virtue of an execution and no execution or other judicial process may issue against the property. A judgment against the authority may not be a charge or lien upon its property. However, this section does not apply to or limit the rights of the holder of bonds to pursue a remedy for the enforcement of a pledge or lien given by the authority on its revenues or other money.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-24
Pledge of revenues; liens; records

Sec. 24. A pledge of revenues or other money made by the authority is binding from the time the pledge is made. Revenues or other money so pledged and thereafter received by the authority are immediately subject to the lien of the pledge without any further act, and the lien of a pledge is binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, regardless of whether the parties have notice of the lien. Neither the

resolution nor any other instrument by which a pledge is created needs to be filed or recorded except in the records of the authority.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-25
Funds of federal or state authorities; receipt and credit

Sec. 25. The chairman of the authority may receive from the United States of America or any department or agency thereof, or any state agency, including the department of environmental management, any amount of money as and when appropriated, allocated, granted, turned over, or in any way provided for the purposes of the authority or this chapter, and those amounts shall, unless otherwise directed by the federal authority, be credited to and be available to the authority.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-26
Financial institutions; deposits of funds; undertaking

Sec. 26. A financial institution may give to the authority a good and sufficient undertaking with such sureties as are approved by the authority to the effect that the financial institution shall faithfully keep and pay over to the order of or upon the warrant of the authority or its authorized agent all those funds deposited with it by the authority and agreed interest under or by reason of this chapter, at such times or upon such demands as may be agreed with the authority or instead of these sureties, deposit with the authority or its authorized agent or a trustee or for the holders of bonds, as collateral, those securities as the authority may approve. The deposits of the authority may be evidenced by an agreement in the form and upon the terms and conditions that may be agreed upon by the authority and the financial institution.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-27
Financial institutions; agreements or contracts for services; security

Sec. 27. The authority may enter into agreements or contracts with a financial institution inside or outside the state as the authority considers necessary, desirable, or convenient for rendering services in connection with the care, custody, or safekeeping of securities or other investments held or owned by the authority, for rendering services in connection with the payment or collection of amounts payable as to principal or interest, and for rendering services in connection with the delivery to the authority of securities or other investments purchased by or sold by the authority, and to pay the cost of those services. The authority may also, in connection with any of the services to be rendered by a financial institution as to the custody and safekeeping of its securities or investments, require

security in the form of collateral bonds, surety agreements, or security agreements in such form and amount as, the authority considers necessary or desirable.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-28
Bonds; legal investments; fiduciaries

Sec. 28. Notwithstanding the restrictions of any other law, all financial institutions, investment companies, insurance companies, insurance associations, executors, administrators, guardians, trustees, and other fiduciaries may legally invest sinking funds, money, or other funds belonging to them or within their control in bonds issued under this chapter.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.2-29
Tax exemption; bonds and property of authority

Sec. 29. All property of the authority is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments, direct or indirect, of the state or a political subdivision of the state. All bonds issued under this chapter are issued by a body corporate and public of the state, but not a state agency, and for an essential public and governmental purpose and the bonds, the interest thereon, the proceeds received by a holder from the sale of the bonds to the extent of the holder's cost of acquisition, proceeds received upon redemption prior to maturity, and proceeds received at maturity and the receipt of the interest and proceeds shall be exempt from taxation in the state for all purposes except a state inheritance tax imposed under IC 6-4.1.
As added by P.L.13-1990, SEC.1. Amended by P.L.254-1997(ss), SEC.2.

IC 4-4-11.2-30
Bonds; exemption; securities registration laws

Sec. 30. Any bonds issued by the authority under this chapter are exempt from the registration and other requirements of IC 23-19 and any other securities registration laws.
As added by P.L.13-1990, SEC.1. Amended by P.L.27-2007, SEC.2.

IC 4-4-11.2-31
Application of chapter

Sec. 31. This chapter is supplemental to all other statutes governing the authority.
As added by P.L.13-1990, SEC.1.

IC 4-4-11.3
Repealed

(Repealed by P.L.2-1989, SEC.56.)

IC 4-4-11.4

Chapter 11.4. Additional Authority: Twenty-First Century Research and Technology Fund

IC 4-4-11.4-1

"Authority"

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

As added by P.L.232-2005, SEC.4. Amended by P.L.1-2006, SEC.32.

IC 4-4-11.4-2

"Bonds"

Sec. 2. As used in this chapter, "bonds" means any bonds, notes, debentures, interim certificates, revenue anticipation notes, warrants, or any other evidences of indebtedness of the authority.

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-3

"Financial institution"

Sec. 3. As used in this chapter, "financial institution" means a financial institution (as defined in IC 28-1-1).

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-4

"Holder"

Sec. 4. As used in this chapter, "holder" means a person who is the:

(1) bearer of any outstanding bond or note registered to bearer or not registered; or

(2) registered owner of any outstanding bond or note that is registered other than to bearer.

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-5

"Person"

Sec. 5. As used in this chapter, "person" means any individual, partnership, firm, association, joint venture, limited liability company, or corporation.

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-6

"Reserve fund"

Sec. 6. As used in this chapter, "reserve fund" means a reserve fund established under section 15 of this chapter.

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-7

Bonds; issuance; purposes; liability of authority; pledges

Sec. 7. (a) The authority may issue its bonds in principal amounts that the authority considers necessary to provide funds for the purposes under this chapter, including the following:

(1) Providing a source of money for the Indiana twenty-first century research and technology fund established by IC 5-28-16-2.

(2) Payment, funding, or refunding of the principal of, or interest or redemption premiums on, bonds issued by the authority under this chapter whether the bonds or interest to be paid, funded, or refunded have or have not become due.

(3) Establishment or increase of reserves to secure or to pay bonds or interest on bonds and all other costs or expenses of the authority incident to and necessary or convenient to carry out the authority's corporate purposes and powers under this chapter.

(b) Every issue of bonds shall be obligations of the authority payable solely out of the revenues or funds of the authority under section 15 of this chapter, subject to agreements with the holders of a particular series of bonds pledging a particular revenue or fund. Bonds may be additionally secured by a pledge of a grant or contributions from the United States, a political subdivision, or a person, or by a pledge of income or revenues, funds, or money of the authority from any source.

As added by P.L.232-2005, SEC.4. Amended by P.L.1-2006, SEC.33.

IC 4-4-11.4-8

Bonds not state debt; state pledge to holders of bonds

Sec. 8. (a) A bond of the authority:

(1) is not a debt, liability, loan of the credit, or pledge of the faith and credit of the state or of any political subdivision;

(2) is payable solely from the money pledged or available for its payment under this chapter, unless funded or refunded by bonds of the authority; and

(3) must contain on its face a statement that the authority is obligated to pay principal and interest, and redemption premiums, if any, and that the faith, credit, and taxing power of the state are not pledged to the payment of the bond.

(b) The state pledges to and agrees with the holders of the bonds issued under this chapter that the state will not:

(1) limit or restrict the rights vested in the authority to fulfill the terms of any agreement made with the holders of its bonds; or

(2) in any way impair the rights or remedies of the holders of the bonds;

until the bonds, together with the interest on the bonds, and interest on unpaid installments of interest, and all costs and expenses in connection with an action or proceeding by or on behalf of the holders, are fully met, paid, and discharged.

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-9
Bonds; negotiability

Sec. 9. The bonds of the authority are negotiable instruments for all purposes of the Uniform Commercial Code (IC 26), subject only to the provisions of the bonds for registration.

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-10
Bonds; maximum amount; proceedings; interest; redemption

Sec. 10. (a) Bonds of the authority must be authorized by resolution of the authority, may be issued in one (1) or more series, and must:

(1) bear the date;
(2) mature at the time or times;
(3) be in the denomination;
(4) be in the form;
(5) carry the conversion or registration privileges;
(6) have the rank or priority;
(7) be executed in the manner;
(8) be payable from the sources in the medium of payment at the place inside or outside Indiana; and
(9) be subject to the terms of redemption;

as the resolution of the authority or the trust agreement securing the bonds provides.

(b) Bonds may be issued under this chapter without obtaining the consent of any state agency and without any other proceeding or condition other than the proceedings or conditions specified in this chapter. However, the total principal of all outstanding bonds issued under this chapter may not exceed one billion dollars ($1,000,000,000). Not more than two hundred million dollars ($200,000,000) in bonds may be issued in any state fiscal year. Bonds issued before July 1, 2007, must provide that debt principal and other debt service payments are not required before July 1, 2007. Bonds may not be issued under this chapter after June 30, 2011, other than bonds issued to refinance bonds originally issued before July 1, 2011.

(c) The rate or rates of interest on the bonds may be fixed or variable. Variable rates shall be determined in the manner and in accordance with the procedures set forth in the resolution authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest, and bonds bearing a fixed rate or rates of interest may be converted to bonds bearing a variable rate of interest, to the extent and in the manner set forth in the resolution pursuant to which the bonds are issued. The interest on bonds may be payable semiannually or annually or at any other interval or intervals as may be provided in the resolution, or the interest may be compounded and paid at maturity or at any other times as may be specified in the resolution.

(d) The bonds may be made subject to mandatory redemption by the authority at the times and under the circumstances set forth in the authorizing resolution.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-11
Bonds; sale; notice

Sec. 11. Bonds of the authority may be sold at public or private sale at the price the authority determines. If bonds of the authority are to be sold at public sale, the authority shall publish notice of the sale for two (2) weeks in two (2) newspapers published and of general circulation in Indianapolis.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-12
Bonds; refunding

Sec. 12. The authority may periodically issue its bonds under this chapter and pay and retire the principal of the bonds or pay the interest due thereon or fund or refund the bonds from proceeds of bonds, or from other funds or money of the authority available for that purpose in accordance with a contract between the authority and the holders of the bonds.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-13
Bonds; trust agreement or resolution; expenses

Sec. 13. (a) In the discretion of the authority, any bonds issued under this chapter may be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside Indiana.

(b) The trust agreement or the resolution providing for the issuance of the bonds may contain provisions for protecting and enforcing the rights and remedies of the holders of any such bonds as are reasonable and proper and not in violation of law.

(c) The trust agreement or resolution may set forth the rights and remedies of the holders of any bonds and of the trustee and may restrict the individual right of action by the holders.

(d) In addition to the provisions of subsections (a), (b), and (c), any trust agreement or resolution may contain other provisions the authority considers reasonable and proper for the security of the holders of any bonds.

(e) All expenses incurred in carrying out the trust agreement or resolution may be paid from revenues or assets pledged or assigned to the payment of the principal of and the interest on bonds or from any other funds available to the authority.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-14
Bonds; purchase by authority

Sec. 14. The authority may purchase bonds of the authority out of the authority's funds or money available for the purchase of its own bonds. The authority may hold, cancel, or resell the bonds subject to, and in accordance with, agreements with holders of its bonds. Unless canceled, bonds held by the authority are considered to be held for resale or transfer and the obligation evidenced by the bonds shall not be considered to be extinguished.

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-15
Debt service reserve fund; reserve fund; deposits and transfers

Sec. 15. (a) The authority may establish and maintain a debt service fund, and if necessary, a reserve fund, for each issue of bonds in which there shall be deposited or transferred:

(1) all money appropriated by the general assembly for the purpose of the fund in accordance with section 18(a) of this chapter;

(2) all proceeds of bonds required to be deposited in the fund by terms of a contract between the authority and its holders or a resolution of the authority with respect to the proceeds of bonds;

(3) all other money appropriated by the general assembly to the funds; and

(4) any other money or funds of the authority that the authority decides to deposit in either fund.

(b) Subject to section 18(b) of this chapter, money in any reserve fund shall be held and applied solely to the payment of the interest on and principal of bonds of the authority as the interest and principal become due and payable and for the retirement of bonds.

(c) Money in any reserve fund in excess of the required debt service reserve, whether by reason of investment or otherwise, may be withdrawn at any time by the authority and transferred to another fund or account of the authority, subject to the provisions of any agreement with the holders of any bonds.

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-16
Reserve fund; investments

Sec. 16. Money in any reserve fund may be invested in the manner provided in the trust agreement or the resolution authorizing issuance of the bonds.

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-17
Valuation of reserve fund investments

Sec. 17. For purposes of valuation, investments in the reserve

fund shall be valued at par, or if purchased at less than par, at cost unless otherwise provided by resolution or trust agreement of the authority. Valuation on a particular date shall include the amount of interest then earned or accrued to that date on the money or investments in the reserve fund.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-18
Debt service appropriation; nonliability of state; transfer of excess funds

Sec. 18. (a) In order to assure the payment of debt service on bonds of the authority issued under this chapter or maintenance of the required debt service reserve in any reserve fund, the general assembly may annually or biannually appropriate to the authority for deposit in one (1) or more of the funds the sum, certified by the chairman of the authority to the general assembly, that is necessary to pay the debt service on the bonds or to restore one (1) or more of the funds to an amount equal to the required debt service reserve. The chairman annually, before December 1, shall make and deliver to the general assembly the chairman's certificate stating the sum required to pay debt service on the bonds or to restore one (1) or more of the funds to an amount equal to the required debt service reserve. This subsection does not create a debt or liability of the state to make any appropriation.

(b) All amounts received on account of money appropriated by the state to any fund shall be held and applied in accordance with section 15(b) of this chapter. However, at the end of each fiscal year, if the amount in any fund exceeds the debt service or required debt service reserve, any amount representing earnings or income received on account of any money appropriated to the funds that exceeds the expenses of the authority for that fiscal year may be transferred to the Indiana twenty-first century research and technology fund established by IC 5-28-16-2.
As added by P.L.232-2005, SEC.4. Amended by P.L.1-2007, SEC.8.

IC 4-4-11.4-19
Combining reserve funds

Sec. 19. Subject to any agreement with its holders, the authority may combine a reserve fund established for an issue of bonds into one (1) or more reserve funds.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-20
Establishment of additional funds, reserves, and accounts

Sec. 20. The authority may establish additional reserves or other funds or accounts as the authority considers necessary, desirable, or convenient to further the accomplishment of the authority's purposes or to comply with any of the authority's agreements or resolutions.

As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-21
Use of funds or accounts for payment of bonds

Sec. 21. Unless the resolution or trust agreement authorizing the bonds provides otherwise, money or investments in a fund or account of the authority established or held for the payment of bonds shall be applied to the payment or retirement of the bonds, and to no other purpose.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-22
Limitation of actions contesting validity of bonds

Sec. 22. (a) An action to contest the validity of any bonds of the authority to be sold at public sale may not be brought after the fifteenth day following the first publication of notice of the sale of the bonds. An action to contest the validity of any bond sale under this chapter may not be brought after the fifth day following the bond sale.

(b) If bonds are sold at private sale, an action to contest the validity of such bonds may not be brought after the fifteenth day following the adoption of the resolution authorizing the issuance of the bonds.

(c) If an action challenging the bonds of the authority is not brought within the time prescribed by subsection (a) or (b), whichever is applicable, all bonds of the authority are conclusively presumed to be fully authorized and issued under the laws of the state, and a person or a qualified entity is estopped from questioning their authorization, sale, issuance, execution, or delivery by the authority.

(d) If this chapter is inconsistent with any other law (general, special, or local), this chapter controls.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-23
Exemption of authority property from judgment liens

Sec. 23. All property of the authority is exempt from levy and sale by virtue of an execution and no execution or other judicial process may issue against the property. A judgment against the authority may not be a charge or lien upon its property. However, this section does not apply to or limit the rights of the holder of bonds to pursue a remedy for the enforcement of a pledge or lien given by the authority on the authority's revenues or other money.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-24
Pledge of revenues; filing or recording not required

Sec. 24. A pledge of revenues or other money made by the

authority is binding from the time the pledge is made. Revenues or other money so pledged and thereafter received by the authority are immediately subject to the lien of the pledge without any further act, and the lien of a pledge is binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, regardless of whether the parties have notice of the lien. Neither the resolution nor any other instrument by which a pledge is created needs to be filed or recorded except in the records of the authority.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-25
Receipt of federal or state funds

Sec. 25. The chairman of the authority may receive from the United States of America or any department or agency thereof, or any state agency any amount of money as and when appropriated, allocated, granted, turned over, or in any way provided for the purposes of the authority or this chapter, and those amounts shall, unless otherwise directed by the federal authority, be credited to and be available to the authority.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-26
Deposit of funds with financial institution

Sec. 26. A financial institution may give to the authority a good and sufficient undertaking with such sureties as are approved by the authority to the effect that the financial institution shall faithfully keep and pay over to the order of or upon the warrant of the authority or the authority's authorized agent all those funds deposited with the financial institution by the authority and agreed interest under or by reason of this chapter, at such times or upon such demands as may be agreed with the authority or instead of these sureties, deposit with the authority or the authority's authorized agent or a trustee or for the holders of bonds, as collateral, those securities as the authority may approve. The deposits of the authority may be evidenced by an agreement in the form and upon the terms and conditions that may be agreed upon by the authority and the financial institution.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-27
Agreements or contracts with financial institutions

Sec. 27. The authority may enter into agreements or contracts with a financial institution inside or outside Indiana as the authority considers necessary, desirable, or convenient for rendering services in connection with the care, custody, or safekeeping of securities or other investments held or owned by the authority, for rendering services in connection with the payment or collection of amounts payable as to principal or interest, and for rendering services in connection with the delivery to the authority of securities or other

investments purchased by or sold by the authority, and to pay the cost of those services. The authority may also, in connection with any of the services to be rendered by a financial institution as to the custody and safekeeping of its securities or investments, require security in the form of collateral bonds, surety agreements, or security agreements in such form and amount as, the authority considers necessary or desirable.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-28
Investment in bonds by financial institutions and fiduciaries

Sec. 28. Notwithstanding the restrictions of any other law, all financial institutions, investment companies, insurance companies, insurance associations, executors, administrators, guardians, trustees, and other fiduciaries may legally invest sinking funds, money, or other funds belonging to them or within their control in bonds issued under this chapter.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-29
Tax exemption; bonds and property of authority

Sec. 29. All property of the authority is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments, direct or indirect, of the state or a political subdivision of the state. All bonds issued under this chapter are issued by a body corporate and public of the state, but not a state agency, and for an essential public and governmental purpose and the bonds, the interest thereon, the proceeds received by a holder from the sale of the bonds to the extent of the holder's cost of acquisition, proceeds received upon redemption before maturity, and proceeds received at maturity and the receipt of the interest and proceeds are exempt from taxation in the state for all purposes except a state inheritance tax imposed under IC 6-4.1.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.4-30
Bonds exempt from registration

Sec. 30. Any bonds issued by the authority under this chapter are exempt from the registration and other requirements of IC 23-19 and any other securities registration laws.
As added by P.L.232-2005, SEC.4. Amended by P.L.27-2007, SEC.3.

IC 4-4-11.4-31
Application of chapter

Sec. 31. This chapter is supplemental to all other statutes governing the authority.
As added by P.L.232-2005, SEC.4.

IC 4-4-11.5

Chapter 11.5. State Private Activity Bond Ceiling

IC 4-4-11.5-1

"Bond"

Sec. 1. As used in this chapter, "bond" means any:

(1) bond or mortgage credit certificate for which it is necessary to procure volume under the volume cap under Section 146 of the Internal Revenue Code; or

(2) bond or other obligation for which a special volume cap is authorized under a federal act.

As added by P.L.20-1985, SEC.7. Amended by P.L.2-1987, SEC.3; P.L.25-1987, SEC.9; P.L.24-1995, SEC.17; P.L.10-1996, SEC.1; P.L.182-2009(ss), SEC.49.

IC 4-4-11.5-2

"Carryforward election"

Sec. 2. As used in this chapter, "carryforward election" means a carryforward election of a part of the volume cap made under the authority of Section 146(f) of the Internal Revenue Code.

As added by P.L.20-1985, SEC.7. Amended by P.L.2-1987, SEC.4; P.L.25-1987, SEC.10; P.L.10-1996, SEC.2.

IC 4-4-11.5-3

Repealed

(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-4

Repealed

(Repealed by P.L.25-1987, SEC.60.)

IC 4-4-11.5-4.5

Repealed

(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-4.7

Repealed

(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-5

Repealed

(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-11.5-6

"IFA"

Sec. 6. As used in this chapter, "IFA" refers to the Indiana finance authority established by IC 4-4-11.

As added by P.L.20-1985, SEC.7. Amended by P.L.11-1990, SEC.75;

P.L.235-2005, SEC.34.

IC 4-4-11.5-6.3
"IHCDA"

Sec. 6.3. As used in this chapter, "IHCDA" refers to the Indiana housing and community development authority established by IC 5-20-1.

As added by P.L.25-1987, SEC.13. Amended by P.L.1-2006, SEC.34 and P.L.181-2006, SEC.2.

IC 4-4-11.5-6.7
Repealed

(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-7
"Internal Revenue Code"

Sec. 7. As used in this chapter, "Internal Revenue Code" has the meaning set forth in IC 6-3-1-11.

As added by P.L.20-1985, SEC.7.

IC 4-4-11.5-7.2
"ISMEL"

Sec. 7.2. As used in this chapter, "ISMEL" refers to the Indiana secondary market for education loans, incorporated, designated by the governor under IC 20-12-21.2-2 (before its repeal) or IC 21-16-5-1.

As added by P.L.291-2001, SEC.113. Amended by P.L.2-2007, SEC.23.

IC 4-4-11.5-7.5
"Issuer"

Sec. 7.5. As used in this chapter, "issuer" means IFA, IHCDA, ISMEL, a local unit, or any other issuer of bonds that must procure volume under the volume cap.

As added by P.L.25-1987, SEC.15. Amended by P.L.11-1990, SEC.76; P.L.10-1996, SEC.3; P.L.291-2001, SEC.114; P.L.235-2005, SEC.35; P.L.1-2006, SEC.35 and P.L.181-2006, SEC.3.

IC 4-4-11.5-8
"Local unit"

Sec. 8. As used in this chapter, "local unit" means a city, town, or county.

As added by P.L.20-1985, SEC.7.

IC 4-4-11.5-8.3
"Mortgage credit certificate"

Sec. 8.3. As used in this chapter, "mortgage credit certificate"

refers to a mortgage credit certificate issued under Section 25 of the Internal Revenue Code of 1986, including any later amendments.
As added by P.L.24-1995, SEC.18.

IC 4-4-11.5-8.5
"NAICS Manual"
Sec. 8.5. As used in this chapter, "NAICS Manual" refers to the current edition of the North American Industry Classification System Manual - United States published by the National Technical Information Service of the United States Department of Commerce.
As added by P.L.291-2001, SEC.115.

IC 4-4-11.5-9
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-10
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-11
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-11.5
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-12
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-13
"SIC Manual"
Sec. 13. As used in this chapter, "SIC Manual" refers to the current edition of the Standard Industrial Classification Manual of the United States Office of Management and Budget.
As added by P.L.20-1985, SEC.7. Amended by P.L.24-1995, SEC.19.

IC 4-4-11.5-13.5
"Special volume cap"
Sec. 13.5. As used in this chapter, "special volume cap" means the maximum dollar amount of bonds that may be allocated to the state under the authority of a federal act. The special volume cap is in addition to the volume cap as defined in section 14 of this chapter.
As added by P.L.182-2009(ss), SEC.51.

IC 4-4-11.5-14

"Volume cap"

Sec. 14. As used in this chapter, "volume cap", as it relates to a year, means the maximum dollar amount of bonds that may be issued by issuers within that year under Section 146 of the Internal Revenue Code.

As added by P.L.20-1985, SEC.7. Amended by P.L.2-1987, SEC.6; P.L.25-1987, SEC.20; P.L.10-1996, SEC.4.

IC 4-4-11.5-15

Repealed

(Repealed by P.L.25-1987, SEC.60.)

IC 4-4-11.5-16

"Year"

Sec. 16. As used in this chapter, "year" means a calendar year.

As added by P.L.20-1985, SEC.7.

IC 4-4-11.5-16.5

Purpose

Sec. 16.5. The purpose of this chapter is to allocate the volume cap under Section 146 of the Internal Revenue Code.

As added by P.L.10-1996, SEC.5.

IC 4-4-11.5-17

Federal allocation formula supplanted; allocation and assignment of volume cap

Sec. 17. (a) The allocation formula established by Section 146(b) and Section 146(c) of the Internal Revenue Code for the volume cap established for Indiana is supplanted under the authority granted by Section 146(e) of the Internal Revenue Code.

(b) All amounts of the volume cap are annually allocated to the state. Thereafter all amounts of the volume cap are assigned from the state to other issuers as provided in this chapter.

As added by P.L.20-1985, SEC.7. Amended by P.L.2-1987, SEC.7; P.L.25-1987, SEC.21; P.L.10-1996, SEC.6.

IC 4-4-11.5-18

Categories of bonds

Sec. 18. (a) The volume cap shall be allocated annually among categories of bonds in accordance with section 19 of this chapter. Those categories are as follows:

(1) Bonds issued by the IFA.

(2) Bonds issued by the IHCDA.

(3) Bonds issued by the ISMEL.

(4) Bonds issued by local units or any other issuers not specifically referred to in this section whose bonds are or may become subject to the volume cap for projects described in:

(A) Division A - Agricultural, Forestry, and Fishing;

(B) Division B - Mining;
(C) Division C - Construction;
(D) Division D - Manufacturing;
(E) Division E - Transportation; and
(F) Division F - Wholesale Trade;

of the SIC Manual (or corresponding sector in the NAICS Manual), and any projects described in Section 142(a)(3), 142(a)(4), 142(a)(5), 142(a)(6), 142(a)(8), 142(a)(9), or 142(a)(10) of the Internal Revenue Code.

(5) Bonds issued by local units or any other issuers not specifically referred to in this section whose bonds are or may become subject to the volume cap for projects described in:

(A) Division G - Retail Trade;
(B) Division H - Finance, Insurance, and Real Estate;
(C) Division I - Services;
(D) Division J - Public Administration; and
(E) Division K - Miscellaneous;

of the SIC Manual (or corresponding sector in the NAICS Manual), and any projects described in Section 142(a)(7) or 144(c) of the Internal Revenue Code.

(b) For purposes of determining the SIC category of a facility, the determination shall be based upon the type of activity engaged in by the user of the facility within the facility in question, rather than upon the ultimate enterprise in which the developer or user of the facility is engaged.

As added by P.L.20-1985, SEC.7. Amended by P.L.10-1986, SEC.3; P.L.2-1987, SEC.8; P.L.25-1987, SEC.22; P.L.11-1990, SEC.81; P.L.10-1996, SEC.7; P.L.291-2001, SEC.116; P.L.235-2005, SEC.36; P.L.1-2006, SEC.36 and P.L.181-2006, SEC.4.

IC 4-4-11.5-19

Volume cap; allocation among bond categories; alteration of allocation

Sec. 19. (a) On or before January 1 of each year, the IFA shall determine the dollar amount of the volume cap for that year.

(b) Each year the volume cap shall be allocated among the categories specified in section 18 of this chapter as follows:

Type of Bonds	Percentage of Volume Cap
Bonds issued by the IFA	9%
Bonds issued by the IHCDA	28%
Bonds issued by the ISMEL	1%
Bonds issued by local units or other issuers under section 18(a)(4) of this chapter	42%
Bonds issued by local units or other issuers under section 18(a)(5) of this chapter	20%

(c) Except as provided in subsection (d), the amount allocated to a category represents the maximum amount of the volume cap that will be reserved for bonds included within that category.

(d) The IFA may adopt a resolution to alter the allocations made by subsection (b) for a year if it determines that the change is necessary to allow maximum usage of the volume cap and to promote the health and well-being of the residents of Indiana by promoting the public purposes served by the bond categories then subject to the volume cap.

(e) The governor may, by executive order, establish for a year a different dollar amount for the volume cap, different bond categories, and different allocations among the bond categories than those set forth in or established under this section and section 18 of this chapter if it becomes necessary to adopt a different volume cap and bond category allocation system in order to allow maximum usage of the volume cap among the bond categories then subject to the volume cap and to promote the health, welfare, and well-being of the residents of Indiana by promoting the public purposes served by the bond categories then subject to the volume cap.

As added by P.L.20-1985, SEC.7. Amended by P.L.10-1986, SEC.4; P.L.25-1987, SEC.23; P.L.11-1990, SEC.82; P.L.27-1993, SEC.2; P.L.10-1996, SEC.8; P.L.291-2001, SEC.117; P.L.235-2005, SEC.37; P.L.1-2006, SEC.37 and P.L.181-2006, SEC.5; P.L.1-2009, SEC.6.

IC 4-4-11.5-19.5
Determination of special volume cap

Sec. 19.5. The IFA shall determine the allocation of any special volume cap in accordance with the federal act authorizing the special volume cap.

As added by P.L.182-2009(ss), SEC.52.

IC 4-4-11.5-20
Repealed

(Repealed by P.L.10-1986, SEC.14.)

IC 4-4-11.5-21
Repealed

(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-22
Repealed

(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-23
Repealed

(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-24
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-25
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-26
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-27
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-28
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-29
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-30
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-31
Elimination of categories; granting and priority of applications
Sec. 31. (a) At 5 p.m. on December 20 of each year, all categories established by section 18 of this chapter are eliminated and any remaining amounts in those categories shall be placed in a single noncategorized state pool.

(b) After 5 p.m. on December 20 of the year applications for a grant of volume cap shall be granted from the single noncategorized state pool. These applications shall be granted in the order of priority established in the guidelines adopted under section 39 of this chapter.
As added by P.L.20-1985, SEC.7. Amended by P.L.10-1986, SEC.11; P.L.25-1987, SEC.34; P.L.11-1990, SEC.92; P.L.10-1996, SEC.9.

IC 4-4-11.5-32
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-33
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-34
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-35
Public finance director; delegation of duties
Sec. 35. The public finance director appointed under IC 4-4-11-9 may delegate any of the duties prescribed by this chapter to any employees of the IFA.
As added by P.L.20-1985, SEC.7. Amended by P.L.11-1990, SEC.96; P.L.10-1996, SEC.10; P.L.235-2005, SEC.38.

IC 4-4-11.5-36
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-37
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-38
Repealed
(Repealed by P.L.10-1996, SEC.17.)

IC 4-4-11.5-39
Forms; guidelines
Sec. 39. (a) Notwithstanding IC 5-15-5.1, the IFA has the sole authority to prescribe and furnish forms used in the administration of this chapter.
(b) The IFA may adopt guidelines, without complying with IC 4-22-2, to govern the administration of this chapter. The guidelines may establish procedures, criteria, and conditions for each category of bonds identified in sections 18 and 19 of this chapter. However, the guidelines may not be inconsistent with the requirements of Section 146 of the Internal Revenue Code.
As added by P.L.20-1985, SEC.7. Amended by P.L.11-1990, SEC.98; P.L.10-1996, SEC.11; P.L.235-2005, SEC.39.

IC 4-4-11.5-40
Qualifications for grant of volume cap
Sec. 40. To qualify for a grant of volume cap, an applicant must do the following:
(1) Apply for the grant in conformity with the procedures established by the IFA.
(2) Provide the information reasonably requested by the IFA to carry out this chapter.
(3) Meet the criteria established by the IFA for the category of

bond for which the application is filed.

(4) Pay the fees established by the IFA.

As added by P.L.10-1996, SEC.12. Amended by P.L.235-2005, SEC.40.

IC 4-4-11.5-41

Written procedures for applications and carryforward elections

Sec. 41. The IFA shall establish a written:

(1) application procedure for the granting of a portion of the volume cap to an applicant; and

(2) procedure for filing carryforward elections.

As added by P.L.10-1996, SEC.13. Amended by P.L.235-2005, SEC.41.

IC 4-4-11.5-42

Written criteria for selection of grant applications

Sec. 42. The IFA shall establish written criteria for the selection of grant applications from among the applicants that qualify for the grant under section 40 of this chapter. The criteria must promote the health and well-being of the residents of Indiana by promoting the public purposes served by each of the bond categories subject to the volume cap.

As added by P.L.10-1996, SEC.14. Amended by P.L.235-2005, SEC.42.

IC 4-4-11.5-43

Conditions for termination of grant of volume cap

Sec. 43. The IFA may establish conditions for the termination of a grant of volume cap. The conditions may include requirements such as the following:

(1) That the amount of volume cap granted may not be substantially higher than the amount of actual bonds issued.

(2) That the issuer issue bonds within the time specified by the IFA.

As added by P.L.10-1996, SEC.15. Amended by P.L.235-2005, SEC.43.

IC 4-4-11.6

Chapter 11.6. Additional Authority; Substitute Natural Gas Contracts

IC 4-4-11.6-0.5

"2011 order"

Sec. 0.5. As used in this chapter, "2011 order" refers to the order of the commission issued on November 22, 2011, approving a purchase contract entered into on January 14, 2011.

As added by P.L.228-2013, SEC.1.

IC 4-4-11.6-1

"Account"

Sec. 1. As used in this chapter, "account" refers to the substitute natural gas account established by section 27 of this chapter.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-2

"Authority"

Sec. 2. As used in this chapter, "authority" refers to the Indiana finance authority.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-2.5

"Business day"

Sec. 2.5. As used in this chapter, "business day" means a day other than a Saturday, Sunday, or legal holiday (as defined in IC 1-1-9-1).

As added by P.L.228-2013, SEC.2.

IC 4-4-11.6-3

"Coal gasification facility"

Sec. 3. As used in this chapter, "coal gasification facility" means a facility that:

(1) uses a manufacturing process that converts coal into substitute natural gas; and

(2) not later than June 30, 2009, has applied for a federal loan guarantee through the United States Department of Energy Loan Guarantee Program Office, Solicitation Number DE-FOA-0000008 for the financing of the facility.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-4

"Commission"

Sec. 4. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-5
"Energy utility"

Sec. 5. As used in this chapter, "energy utility" has the meaning set forth in IC 8-1-2.5-2.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-6
"Management contract"

Sec. 6. As used in this chapter, "management contract" means a contract that:

(1) is entered into by the authority and a regulated energy utility; and

(2) provides for:

(A) the delivery, billing, collection, and remittance of monies received for SNG delivered in the service area of the regulated energy utility; and

(B) reasonable compensation for services provided by the regulated energy utility under the terms of the contract.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-7
"Purchase contract"

Sec. 7. As used in this chapter, "purchase contract" means a contract that:

(1) is entered into by the authority and a producer of SNG for the sale and purchase of SNG;

(2) has a thirty (30) year term;

(3) provides a guarantee of savings for retail end use customers; and

(4) contains other terms and conditions determined necessary by the authority.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-8
"Regulated energy utility"

Sec. 8. As used in this chapter, "regulated energy utility" means an energy utility that is subject to IC 8-1-2-42.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-9
"Related contract"

Sec. 9. As used in this chapter, "related contract" means a contract for services that the authority determines are necessary and appropriate for the delivery of SNG to the city gate point of a regulated energy utility.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-10

"Retail end use customer"

Sec. 10. As used in this chapter, "retail end use customer" means a customer who acquires energy at retail for the customer's own consumption:

(1) from a gas utility that must apply to the commission under IC 8-1-2-42 for approval of gas cost changes; or

(2) under a program approved by the commission through which the customer purchases gas that would be subject to price adjustments under IC 8-1-2-42 if the gas were sold by a gas utility.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-10.5

"Savings"

Sec. 10.5. As used in this chapter, a "savings" occurs, with respect to a purchase contract subject to review by the commission under section 14.5 of this chapter, when the purchase price of SNG paid by the authority under the purchase contract is less than the average market price of natural gas during intervals determined by the commission as set forth in section 14.5(b)(4) of this chapter.

As added by P.L.228-2013, SEC.3.

IC 4-4-11.6-11

"Substitute natural gas" or "SNG"

Sec. 11. As used in this chapter, "substitute natural gas" or "SNG" means pipeline quality gas produced by a facility that uses a gasification process to convert coal into a gas capable of being used by a utility to supply gas utility service to retail end use customers in Indiana.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-12

Findings

Sec. 12. (a) The general assembly makes the following findings:

(1) The furnishing of reliable supplies of reasonably priced natural gas for sales to retail customers is essential for the well being of the people of Indiana. Natural gas prices are volatile, and energy utilities have been unable to mitigate completely the effects of the volatility.

(2) Long term contracts for the purchase of SNG between the authority and SNG producers will enhance the receipt of federal incentives for the development, construction, and financing of new coal gasification facilities in Indiana.

(3) The authority's participation in and oversight of the purchase, sale, and delivery of SNG to retail end use customers is critical to obtain low cost financing for the construction of new coal gasification facilities.

(4) Obtaining low cost financing for the construction of new

coal gasification facilities is necessary to allow retail end use customers to enjoy the benefits of a reliable, reasonably priced, and long term energy supply.

(b) In addition to the findings set forth in subsection (a), the general assembly makes the following findings:

(1) With respect to pending litigation concerning contracts entered into under this chapter, the general assembly defers to the constitutional role and independence of the judicial branch.

(2) The general assembly recognizes the expertise and independence of the commission in matters concerning Indiana's natural gas ratepayers.

(3) Legislative power includes the power to amend and repeal existing laws. The legislature has no power to enact a law or to make a contract or arrangement that in any way surrenders or abridges this legislative power. The act of one (1) legislature is not binding upon a future legislature.

(4) An action by a general assembly, including the enactment of legislation, to protect the public interest is a proper exercise of the police power and is not intended to impair a long term contract for the purchase of SNG.

(5) New discoveries of natural gas supplies and development of advanced drilling techniques may affect the determination of whether a long term contract for the purchase of SNG is in the public interest.

(6) Realizing savings at intervals during the term of a contract for the purchase of SNG protects retail end use customers and serves the public interest.

As added by P.L.2-2009, SEC.2. Amended by P.L.228-2013, SEC.4.

IC 4-4-11.6-13

Powers of authority

Sec. 13. The authority may do the following:

(1) Enter into contracts for the purchase, transportation, and delivery of SNG.

(2) Establish and collect rates and charges for SNG.

(3) Enter into contracts for private professional and technical assistance concerning SNG contracts.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-14

Ability of authority to enter into purchase contracts; approval of purchase contracts, amendments, and other agreements by commission

Sec. 14. (a) The authority, either directly or as an assignee of an energy utility, may enter into purchase contracts for the purchase of SNG from coal gasification facilities.

(b) The authority shall submit the following to the commission for approval:

(1) The following:

(A) A purchase contract that is:

(i) originally submitted to the commission for approval before January 1, 2012; and

(ii) subsequently amended, supplemented with addenda or agreements, or otherwise modified to amend the definition of retail end use customers in the purchase contract.

(B) A purchase contract entered into after December 31, 2012.

(2) Any amendments, addenda, or other modifications made or added at any time to a purchase contract, regardless of when the purchase contract is entered into.

(3) Any other agreements entered into between the authority and a producer of SNG.

As added by P.L.2-2009, SEC.2. Amended by P.L.228-2013, SEC.5.

IC 4-4-11.6-14.5

Approval, rejection, or modification of purchase contract by commission; findings; final order; expedited appeal; adoption of rules by commission

Sec. 14.5. (a) This section applies if an opinion by a court of appeal that does not affirm the 2011 order in its entirety is certified under Rule 65 of the Indiana Rules of Appellate Procedure.

(b) After notice and a hearing, the commission may approve, reject, or, before approval, require modification of a purchase contract submitted to the commission under section 14(b)(1) of this chapter if the commission finds that such action is in the public interest. The commission shall consider the following before finding that an action under this subsection is in the public interest:

(1) Whether the purchase contract is structured in a way that lessens the impact of any price volatility in the natural gas market on retail end use customers.

(2) Whether the assumptions underlying the model used to calculate the purchase price of SNG under the purchase contract, including assumptions about the future price of natural gas and coal and the value of future byproducts of the coal gasification facility, adequately apportion financial risk between the SNG producer and retail end use customers.

(3) The findings of any study conducted by the commission on the natural gas market and reported to the general assembly.

(4) Whether a purchase contract allows retail end use customers to realize savings during the term of the purchase contract at intervals established by the commission.

(5) Any other factors the commission considers necessary.

The commission shall issue a final order not more than one hundred eighty (180) business days after the date on which the authority submits the purchase contract to the commission under section 14(b)(1) of this chapter.

(c) A party that seeks to appeal an order issued under subsection (b) shall do so only through an expedited direct appeal to the Indiana supreme court under rules to be adopted by the Indiana supreme court.

(d) The commission may adopt rules under IC 4-22-2 to carry out the requirements of this section. A rule adopted under this subsection must establish filing and other procedural deadlines for all parties to a hearing under subsection (b).

As added by P.L.228-2013, SEC.6.

IC 4-4-11.6-15

Ability of authority to enter into management and related contracts

Sec. 15. The authority may enter into management and related contracts as needed to transport, store, deliver, manage, and bill and collect for the delivery and sale of SNG to retail end use customers.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-16

Procurement requirements

Sec. 16. Notwithstanding any other law, including public purchasing and competitive bidding requirements, the authority may procure purchase and related contracts using the processes and procedures it considers appropriate to obtain a reliable, long term supply of SNG.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-17

Consultation with consumer counselor

Sec. 17. Before negotiating the terms of, entering into, or accepting assignment of a contract under this chapter, the authority shall consult with the consumer counselor of the office of utility consumer counselor appointed under IC 8-1-1.1-3.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-18

Taking title to and selling SNG

Sec. 18. (a) The authority may take title to SNG under the terms of the purchase contract to which the authority is a party.

(b) The commission shall allocate on an annual basis SNG purchased by the authority to the retail end use customers of a regulated energy utility based on the proportion of the amount of gas delivered by the regulated energy utility to the total amount of gas delivered by all regulated energy utilities in the immediately preceding calendar year.

(c) SNG is considered sold by the authority when the SNG is delivered to retail end use customers.

(d) The authority has the right to sell SNG to third parties instead

of retail end use customers if the authority determines that sales to third parties are necessary and appropriate to manage the delivery of SNG to retail end use customers.
As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-19
Cost recovery; adoption of rules

Sec. 19. (a) If the authority sells SNG to retail end use customers, the authority shall sell the SNG at a price that is sufficient to permit recovery by the authority of costs related to the SNG sold to the retail end use customers, including the following:

(1) Costs of purchasing SNG.
(2) Costs of transporting SNG.
(3) Costs of delivering SNG.
(4) Costs incurred by the authority in administering this chapter.
(5) Costs associated with supplying working capital, maintaining financial reserves, and allowing for defaults by retail end use customers.

The mechanism and processes that the authority uses to calculate the costs must be capable of audit and verification.

(b) The commission shall require a regulated energy utility to include in the rates collected from retail end use customers that purchase SNG from the authority the price for SNG sold to the retail end use customers by the authority.

(c) The commission shall adopt rules under IC 4-22-2 to carry out the requirements of this section. A rule adopted under this subsection must require that a bill provided by a regulated energy utility to a retail end use customer include a line item for costs associated with the purchase and delivery of SNG.
As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-20
Payments for SNG

Sec. 20. (a) A payment for SNG:

(1) to which the authority holds title; and
(2) that is delivered by a regulated energy utility to its retail end use customers;

is a direct obligation of the retail end use customers to the authority. The regulated energy utility shall collect the payments from the retail end use customers as an agent of the authority.

(b) Payments made under subsection (a):

(1) are the property of the authority;
(2) shall be segregated and held in trust for the authority by the regulated energy utility that collects the payments; and
(3) shall be credited to the account.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-21

Financial obligations of authority

Sec. 21. The obligation of the authority to pay for SNG, or for any services under a contract entered into under this chapter, is limited to the funds available in the account plus any other amount recoverable by the authority through a provision included in a contract under section 19 of this chapter. An obligation under this section is not supported by the full faith and credit of the state.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-22

Mandatory management contracts

Sec. 22. (a) Upon the request of the authority, the commission shall order a regulated energy utility to enter into a management contract with the authority to:

(1) distribute and deliver SNG purchased by the authority; and

(2) provide billing, collection, and other services related to the purchase, distribution, and delivery of the SNG.

(b) A management contract entered into under subsection (a) must include a mechanism by which the regulated energy utility is reimbursed for all costs incurred in performing the management contract in excess of costs that, as determined by the commission, the regulated energy utility would otherwise have incurred in the ordinary course of business.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-23

Authority is not energy utility

Sec. 23. Notwithstanding any other law, the authority is not:

(1) considered an energy utility solely by virtue of its participation in any transaction described in this chapter;

(2) subject to the jurisdiction of the commission except as provided in this chapter; or

(3) required to obtain the approval of the commission except as provided in this chapter.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-24

Impairment of contracts

Sec. 24. If the authority enters into a contract under this chapter, the state covenants and agrees, for the benefit of the parties to the contract, as well as any entity that provides financing to a party to the contract, that the state will not take or permit any action that would:

(1) impair the contract; or

(2) otherwise limit, alter, or impair the ability of the authority to satisfy its contractual obligations, including the establishment and collection of the price for SNG from retail end use customers;

until the contract has been performed in full.

As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-25
Limits on power of authority

Sec. 25. This chapter does not authorize the authority to take ownership of the transportation, transmission, generation, production, or distribution assets of an energy utility.
As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-26
Energy utilities obligated to provide energy service

Sec. 26. This chapter may not be construed to reduce or modify an energy utility's obligation to provide energy service.
As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-27
Substitute natural gas account

Sec. 27. (a) The authority shall establish and administer a separate account known as the substitute natural gas account.

(b) The account consists of payments credited to the account under section 20(b)(3) of this chapter.

(c) The authority shall use the account to provide funding and pay expenses to satisfy the obligations of this chapter.
As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-28
Adoption of rules

Sec. 28. In addition to the rules adopted under section 19(c) of this chapter, the authority may adopt rules under IC 4-22-2 to implement this chapter, including a rule to protect confidential or proprietary financial or trade secret information included in reports provided to the authority by SNG producers, energy utilities, or regulated energy utilities.
As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-29
Customer choice programs

Sec. 29. The terms of a customer choice program (as defined in IC 8-1-2-42.1) may not impair the ability of the authority to deliver and sell SNG to retail end use customers.
As added by P.L.2-2009, SEC.2.

IC 4-4-11.6-30
Third party contracts

Sec. 30. (a) To carry out this chapter, the authority may enter into a contract to sell SNG to third parties with the net effect of the proceeds and costs of those sales to be reflected in the line item on customers' bills as required by section 19(c) of this chapter.

(b) The following apply if the authority enters into a contract under subsection (a):

(1) The contract between the authority and a producer of SNG for the sale and purchase of SNG must be a purchase contract and is subject to all the requirements of this chapter.

(2) Contracts for services the authority determines are necessary and appropriate to effectuate SNG sales and the related transportation and delivery of SNG, including contracts authorizing third parties to act as the authority's agent in selling the SNG, must be related contracts.

(3) Contracts between the authority and regulated energy utilities for the crediting and charging of the proceeds and costs to all retail end use customers, including the billing and collecting of any net costs, must be management contracts subject to section 22 of this chapter.

(c) The:

(1) proceeds of the sales of SNG;

(2) costs of purchasing, transporting, and delivering the SNG;

(3) authority's administrative costs;

(4) costs incurred in carrying out this section by an agent of the authority; and

(5) costs associated with supplying working capital, maintaining financial reserves, and allowing defaults by SNG purchasers or retail end use customers;

shall be allocated to the retail end use customers of each regulated energy utility based on the proportion of the amount of gas delivered by the regulated energy utility to the total amount of gas delivered by all regulated energy utilities in the immediately preceding calendar year. The commission shall determine a just and reasonable method for allocating the credits and charges to the retail end use customers. The mechanism and processes the authority uses to calculate the costs must be capable of audit and verification.

(d) The obligation of the authority to pay for SNG or for any services under a contract entered into under this chapter is limited to the funds available in the account plus any other amount recoverable by the authority through a provision included in a contract under this section. An obligation under this section is not supported by the full faith and credit of the state.

As added by P.L.113-2010, SEC.7.

IC 4-4-12
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-13
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-14
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-15
Repealed
(Repealed by P.L.187-2014, SEC.5.)

IC 4-4-16

Chapter 16. Indiana Main Street Program

IC 4-4-16-1

Establishment

Sec. 1. (a) The Indiana main street program is established to:

(1) encourage the economic development, redevelopment, and improvement of downtown areas in Indiana cities and towns in all geographic regions of the state;

(2) sponsor demonstration efforts in Indiana cities and towns in all geographic regions of the state; and

(3) provide technical assistance and sponsor seminars and other educational programs on downtown area revitalization, development, and redevelopment.

(b) The program shall be administered by the office of rural affairs.

As added by P.L.22-1985, SEC.1. Amended by P.L.83-2005, SEC.6.

IC 4-4-16-2

Main street council; establishment

Sec. 2. (a) The Indiana main street council is established. The council consists of:

(1) the secretary of agriculture and rural development or a person designated by the secretary, who shall serve as chairman; and

(2) at least seven (7) but not more than ten (10) persons appointed by the secretary, who represent organizations concerned with the purposes of the program established by this chapter and who represent all geographic regions of the state.

(b) Members appointed to the council by the secretary shall serve for a term of three (3) years, beginning on July 1 after their appointment. However, a member appointed to fill a vacancy on the council shall serve for the remainder of the unexpired term.

(c) The council shall:

(1) develop and direct policy;

(2) coordinate administrative techniques; and

(3) provide assistance;

to carry out the purposes of the Indiana main street program.

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

As added by P.L.22-1985, SEC.1. Amended by P.L.83-2005, SEC.7.

IC 4-4-16-3

Authority of office of rural affairs

Sec. 3. To carry out the purposes described in section 1 of this chapter, the office of rural affairs, acting for and on behalf of the Indiana main street council and the Indiana main street program, may:

(1) execute contractual agreements;

(2) receive money from any source;

(3) expend money for an activity appropriate to the purposes of this chapter; and

(4) execute agreements and cooperate with:

(A) any other state or federal department or agency;

(B) Indiana political subdivisions; or

(C) any private person or corporation.

As added by P.L.22-1985, SEC.1. Amended by P.L.83-2005, SEC.8.

IC 4-4-16-4

Repealed

(Repealed by P.L.19-1989, SEC.1.)

IC 4-4-16.5
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-17
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-18
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-19

Chapter 19. Trademarks for Use on Indiana Products

IC 4-4-19-1

"Corporation"

Sec. 1. As used in this chapter, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1.

As added by P.L.23-1987, SEC.2. Amended by P.L.1-2006, SEC.42.

IC 4-4-19-2

"Trademark"

Sec. 2. As used in this chapter, "trademark" has the meaning set forth in IC 24-2-1-2.

As added by P.L.23-1987, SEC.2.

IC 4-4-19-3

Distinctive trademark; registration

Sec. 3. (a) The corporation shall devise a distinctive trademark and register it with the secretary of state under IC 24-2-1. The trademark must indicate in some way that the product to which it is affixed is substantially produced or assembled in Indiana.

(b) The corporation shall register the trademark with the United States Patent and Trademark Office.

As added by P.L.23-1987, SEC.2. Amended by P.L.30-2003, SEC.1; P.L.1-2006, SEC.43.

IC 4-4-19-4

Application

Sec. 4. A person may apply to the corporation for permission to use the trademark.

As added by P.L.23-1987, SEC.2. Amended by P.L.1-2006, SEC.44.

IC 4-4-19-5

Rules

Sec. 5. The corporation may adopt rules under IC 4-22-2 or establish policies to provide:

(1) the conditions under which the trademark may be used, which may include such criteria as the extent to which the product is actually produced or assembled in Indiana; and

(2) a procedure under which application for use of the trademark may be made.

As added by P.L.23-1987, SEC.2. Amended by P.L.1-2006, SEC.45.

IC 4-4-20
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-21

Chapter 21. Indiana Finance Authority; Export Promotion

IC 4-4-21-1

"Authority" defined

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority established by IC 4-4-11.

As added by P.L.20-1988, SEC.10. Amended by P.L.11-1990, SEC.100; P.L.235-2005, SEC.44.

IC 4-4-21-2

"Commercial loss" defined

Sec. 2. As used in this chapter, "commercial loss" means the failure of the buyer to pay to an Indiana exporter when due all or part of the gross invoice value (as denominated in United States currency) due to the insolvency of the buyer or failure of the buyer to pay to the Indiana exporter all or part of the gross invoice value (as denominated in United States currency) on the due date.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-3

"Eligible export loan" defined

Sec. 3. As used in this chapter, "eligible export loan" means any pre-shipment or post-shipment loan from a financial institution to an exporter that is, or will be, supported or funded in whole or in part with the proceeds of a guaranteed participating loan.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-4

"Financial institution" defined

Sec. 4. As used in this chapter, "financial institution" means an entity described in IC 5-13-4-10 that has been approved by the authority to participate in the authority's programs.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-5

"Goods" defined

Sec. 5. As used in this chapter, "goods" includes manufactured products, natural resources, and agricultural products.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-6

"Gross invoice value" defined

Sec. 6. As used in this chapter, "gross invoice value" means the invoice amount in United States dollars of the international exports, plus any insurance, freight, or other charges paid or to be paid in the United States in United States dollars by the foreign buyer.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-7
"Guaranteed participating loan" defined

Sec. 7. As used in this chapter, "guaranteed participating loan" means a loan from the authority to a financial institution under section 26 of this chapter.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-8
"International exports" defined

Sec. 8. As used in this chapter, "international exports" means trade or commerce in goods or services produced in Indiana that are exported, or in the course of being exported, from Indiana to any other country.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-9
"Performance bond guarantee" defined

Sec. 9. As used in this chapter, "performance bond guarantee" means a guarantee of a performance bond required to support an eligible export transaction under section 28 of this chapter.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-10
"Political loss" defined

Sec. 10. As used in this chapter, "political loss" means a loss incurred by an Indiana exporter on an eligible export loan as a result of dollar transfer delays, war, revolution, license revocation, diversion of goods, and similar politically related incidents occurring in the buyer's country or in the United States.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-11
"Services" defined

Sec. 11. As used in this chapter, "services" includes accounting, amusement, architectural, automatic data processing, communications, construction, franchising and licensing, consulting, engineering, financial, insurance, legal, management, repair, tourism, training, and transportation services.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-12
Establishment of authority; purposes; standards

Sec. 12. (a) The purpose of this chapter is to permit the authority to promote economic prosperity and employment throughout Indiana through the establishment of a source of funding and insurance to support exports by Indiana businesses, particularly small and medium-sized businesses.

(b) To further the purpose set forth in subsection (a), the authority

may establish eligibility standards for financial institutions and other program standards without complying with IC 4-22-2. However, before program standards may be adopted, a public hearing must be held for which notice has been published in a newspaper published in Indianapolis at least ten (10) days before the hearing.
As added by P.L.20-1988, SEC.10. Amended by P.L.11-1990, SEC.101.

IC 4-4-21-13
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-14
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-15
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-16
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-17
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-18
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-19
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-20
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-21
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-22
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-23
Personal liability of members or employees

Sec. 23. The members of the authority, the officers and employees of the authority, and any agents of the authority are not subject to personal liability or accountability by reason of any act authorized by this chapter, including the making of guaranteed participating loans or the providing of performance bond guarantees.
As added by P.L.20-1988, SEC.10.

IC 4-4-21-24
Repealed

(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-25
Repealed

(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-25.5
Additional powers of authority

Sec. 25.5. To carry out the purposes of this chapter, the authority has the powers set forth in IC 4-4-11 and the additional powers specifically provided in this chapter.
As added by P.L.11-1990, SEC.102.

IC 4-4-21-26
Guaranteed participating loans to financial institutions; conditions

Sec. 26. (a) The authority may provide a guaranteed participating loan to a financial institution to finance international exports from within Indiana if the authority determines that:

(1) the financial institution will use the guaranteed participating loan exclusively to provide an eligible export loan;

(2) the guaranteed participating loan is reasonably necessary in order to stimulate or facilitate:

(A) the making of the eligible export loan, including the making of the eligible export loan upon terms that will enable the financing of the international export to be reasonably competitive with similar financing in other states or foreign countries; or

(B) the resale of the eligible export loan to a holder in due course that would not otherwise purchase the eligible export loan;

(3) the guaranteed participating loan will create or maintain employment in Indiana;

(4) at least twenty-five percent (25%) of the value of the international exports to be financed through the guaranteed participating loan consists of goods whose final manufacturing process occurs in Indiana or services that are performed in Indiana; and

(5) the loan is consistent with the purposes of this chapter.

(b) A guaranteed participating loan may include a pool of individual international exports if the authority determines that each of the international exports meets the conditions of this section.

(c) A financial institution that receives a guaranteed participating loan under this section shall:

(1) provide an eligible export loan to an exporter:

(A) at a fixed interest rate established by the authority; and

(B) for the term and under the conditions established by the authority; and

(2) comply with any other terms and conditions that the authority considers desirable to carry out the purposes of this chapter.

(d) A guaranteed participating loan under this section:

(1) may include insurance against loss up to a stated amount;

(2) must specify the maximum amount of any insurance payable under the guaranteed participating loan;

(3) must be executed by the chairman of the authority or the chairman's designee at the time the authority makes the guaranteed participating loan;

(4) may not be terminated, cancelled, or otherwise revoked, except in accordance with the terms of the guaranteed participating loan;

(5) is conclusive evidence that the guaranteed participating loan complies fully with the requirements of this chapter;

(6) is valid and incontestable in the hands of a holder in due course; and

(7) is subject to any other terms and conditions that the authority considers desirable to carry out the purposes of this chapter.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-27

Fees for providing guaranteed participating loan to financial institution

Sec. 27. The authority may charge reasonable fees for providing a guaranteed participating loan to a financial institution.

As added by P.L.20-1988, SEC.10.

IC 4-4-21-28

Performance bond guarantees

Sec. 28. (a) The authority may establish and provide for performance bond guarantees required to support any eligible export transaction. A performance bond guarantee may be made available whenever a bond is required of an exporter entering into a transaction financed by the authority. The authority may enter into agreements with both private and governmental entities for the implementation and operation of a program, including the insuring

or reinsuring of performance bonds or performance bond guarantees.

(b) The performance bond guarantee program shall be funded solely out of a performance bond guarantee fund to be established by the authority. Money contained in the performance bond guarantee fund may not be commingled with any other funds of the authority.
As added by P.L.20-1988, SEC.10.

IC 4-4-21-29
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-30
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-31
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-32
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-21-33
Repealed
(Repealed by P.L.11-1990, SEC.135.)

IC 4-4-22
Repealed
(Repealed by P.L.83-2005, SEC.12.)

IC 4-4-23
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-24
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-25
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-4-26
Repealed

(Repealed by P.L.162-2007, SEC.42.)

IC 4-4-27
Repealed

(Repealed by P.L.187-2014, SEC.6.)

IC 4-4-28

Chapter 28. Individual Development Accounts

IC 4-4-28-0.3

Repealed

(As added by P.L.220-2011, SEC.24. Repealed by P.L.63-2012, SEC.2.)

IC 4-4-28-1

"Account"

Sec. 1. As used in this chapter, "account" refers to an individual development account.

As added by P.L.15-1997, SEC.1.

IC 4-4-28-1.5

"Authority"

Sec. 1.5. As used in this chapter, "authority" refers to the Indiana housing and community development authority established under IC 5-20-1.

As added by P.L.181-2006, SEC.6.

IC 4-4-28-2

"Community development corporation"

Sec. 2. As used in this chapter, "community development corporation" means a private, nonprofit corporation:

(1) whose board of directors consists primarily of community representatives and business, civic, and community leaders; and

(2) whose principal purpose includes the provision of:

(A) housing;

(B) community based economic development projects; or

(C) social services;

that primarily benefit low income individuals and communities.

As added by P.L.15-1997, SEC.1. Amended by P.L.4-1999, SEC.1.

IC 4-4-28-3

"Financial institution"

Sec. 3. As used in this chapter, "financial institution" means a bank, savings association, credit union, or any other institution regulated under IC 28 or federal law.

As added by P.L.15-1997, SEC.1. Amended by P.L.4-1999, SEC.2.

IC 4-4-28-4

"Fund"

Sec. 4. As used in this chapter, "fund" refers to an individual development account fund established by a community development corporation under section 13 of this chapter.

As added by P.L.15-1997, SEC.1.

IC 4-4-28-5
"Individual development account"

Sec. 5. As used in this chapter, "individual development account" means an account in a financial institution administered by a community development corporation that allows a qualifying individual to deposit money:

(1) to be matched by the state, financial institutions, corporations, and other entities; and

(2) that will be used by the qualifying individual for one (1) or more of the following:

(A) To pay for costs (including tuition, laboratory costs, books, computer costs, and other costs associated with attendance) at an accredited postsecondary educational institution or a vocational school that is not a postsecondary educational institution, for the individual or for a dependent of the individual.

(B) To pay for the costs (including tuition, laboratory costs, books, computer costs, and other costs) associated with an accredited or a licensed training program that may lead to employment for the individual or for a dependent of the individual.

(C) To purchase a primary residence located in Indiana for the individual or for a dependent of the individual or to reduce the principal amount owed on a primary residence located in Indiana that was purchased by the individual or a dependent of the individual with money from an individual development account.

(D) To pay for the rehabilitation (as defined in IC 6-3.1-11-11) of the individual's primary residence located in Indiana.

(E) To begin or to purchase part or all of a business based in Indiana or to expand an existing small business based in Indiana.

(F) Subject to section 8(b) of this chapter, to purchase a motor vehicle.

As added by P.L.15-1997, SEC.1. Amended by P.L.289-2001, SEC.4; P.L.2-2007, SEC.24; P.L.150-2007, SEC.1; P.L.50-2016, SEC.1.

IC 4-4-28-5.5
"Motor vehicle"

Sec. 5.5. As used in this chapter, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

As added by P.L.50-2016, SEC.2.

IC 4-4-28-6
"Qualifying individual"

Sec. 6. As used in this chapter, "qualifying individual" means an individual or a member of an individual's household who may

establish an individual development account because the individual:

(1) is an Indiana resident; and

(2) either:

(A) receives or is a member of a household that receives assistance under IC 12-14-2; or

(B) is a member of a household with an annual household income that is less than two hundred percent (200%) of the federal income poverty level.

As added by P.L.15-1997, SEC.1. Amended by P.L.289-2001, SEC.5; P.L.50-2016, SEC.3.

IC 4-4-28-7

Establishing account; beneficiaries; residency

Sec. 7. (a) A qualifying individual, including an individual who:

(1) established an individual development account under this chapter before July 1, 2001; and

(2) held the account described in subdivision (1) for less than four (4) years;

may establish an account by applying at a community development corporation after June 30, 2001.

(b) At the time of establishing an account under this section, the qualifying individual must name a beneficiary to replace the qualifying individual as the holder of the account if the qualifying individual dies. If the beneficiary:

(1) is a member of the qualifying individual's family, all funds in the account remain in the account; and

(2) is not a member of the qualifying individual's family, all funds in the account provided by the state revert to the state.

The qualifying individual may change the name of the beneficiary at the qualifying individual's discretion. A beneficiary who becomes the holder of an account under this subsection is subject to this chapter and rules adopted under this chapter regarding withdrawals from the account.

(c) Only one (1) member of a qualifying individual's household may establish an account.

(d) A qualifying individual shall maintain residency in Indiana until the individual development account is closed.

As added by P.L.15-1997, SEC.1. Amended by P.L.289-2001, SEC.6; P.L.50-2016, SEC.4.

IC 4-4-28-8

Community development corporation duties

Sec. 8. (a) A community development corporation shall do the following:

(1) Determine whether an individual who wants to establish an account is a qualifying individual.

(2) Administer, through a financial institution, and act as trustee for each account established through the community

development corporation.

(3) Approve or deny an individual's request to make a withdrawal from the individual's account.

(4) Provide or arrange for training in money management, budgeting, and related topics for each individual who establishes an account.

(b) A community development corporation may approve a qualifying individual's request to make a withdrawal from an account to purchase a motor vehicle if the purpose of the purchase is primarily to transport the individual to and from work, postsecondary education, or an accredited or licensed training program intended to lead to employment of the individual or a dependent of the individual.

As added by P.L.15-1997, SEC.1. Amended by P.L.50-2016, SEC.5.

IC 4-4-28-9

Account deposits

Sec. 9. (a) An individual may deposit money from the individual's earned income into the individual's account.

(b) An individual may deposit an unlimited amount of money into the individual's account. However, only eight hundred dollars ($800) annually is eligible for a state deposit as provided in section 12 of this chapter.

As added by P.L.15-1997, SEC.1. Amended by P.L.150-2007, SEC.2.

IC 4-4-28-10

Number of accounts limited

Sec. 10. (a) Not more than eight hundred (800) accounts may be established in the state each state fiscal year beginning before July 1, 2009.

(b) Not more than one thousand (1,000) accounts may be established in the state each state fiscal year beginning after June 30, 2009.

(c) A community development corporation shall use money that is in an individual development account fund established under section 13 of this chapter to allow a qualified individual on a waiting list maintained by the community development corporation to establish an account.

As added by P.L.15-1997, SEC.1. Amended by P.L.289-2001, SEC.7; P.L.150-2007, SEC.3.

IC 4-4-28-11

Annual reports

Sec. 11. (a) Each community development corporation shall annually provide the authority with information needed to determine:

(1) the number of accounts administered by the community development corporation;

(2) the length of time each account under subdivision (1) has

been established; and

(3) the amount of money an individual has deposited into each account under subdivision (1) during the preceding twelve (12) months.

(b) The authority shall use the information provided under subsection (a) to deposit the correct amount of money into each account as provided in section 12 of this chapter.

As added by P.L.15-1997, SEC.1. Amended by P.L.235-2005, SEC.46; P.L.1-2006, SEC.52; P.L.181-2006, SEC.7; P.L.1-2007, SEC.9.

IC 4-4-28-12

Deposits to accounts; matching contributions; use of federal block grant money

Sec. 12. (a) The authority shall allocate, for each account that has been established, for not more than five (5) years, three dollars ($3) for each one dollar ($1) of the first four hundred dollars ($400) an individual deposited into the individual's account during the preceding twelve (12) months. However, if the amount appropriated by the general assembly is insufficient to make the deposits required by this section for accounts that have been established, the authority shall proportionately reduce the amounts allocated to and deposited into each account. The authority may allocate three dollars ($3) for each one dollar ($1) of any part of an amount above four hundred dollars ($400) an individual deposited into the individual's account during the preceding twelve (12) months. However, the authority's allocation under this subsection may not exceed two thousand four hundred dollars ($2,400) for each account described in this subsection.

(b) The authority shall deposit into each account established under this chapter the appropriate amount of money determined under this section.

(c) Money from a federal block grant program under Title IV-A of the federal Social Security Act may be used by the state to provide money under this section for deposit into an account held by an individual who receives assistance under IC 12-14-2.

As added by P.L.15-1997, SEC.1. Amended by P.L.289-2001, SEC.8; P.L.235-2005, SEC.47; P.L.1-2006, SEC.53; P.L.181-2006, SEC.8; P.L.1-2007, SEC.10; P.L.150-2007, SEC.4; P.L.50-2016, SEC.6.

IC 4-4-28-13

Individual development account fund; tax credits

Sec. 13. (a) Each community development corporation may apply to the authority for an allocation of tax credits under IC 6-3.1-18 for the contributors to a fund established under this section. A community development corporation may establish an individual development account fund to provide money to be used to finance additional accounts to be administered by the community

development corporation under this chapter and to help pay for the community development corporation's expenses related to the administration of accounts.

(b) Each community development corporation shall encourage individuals, financial institutions, corporations, and other entities to contribute to the fund. A contributor to the fund may qualify for a tax credit as provided under IC 6-3.1-18.

(c) Each community development corporation may use up to twenty percent (20%) of the first one hundred thousand dollars ($100,000) deposited each calendar year in the fund under subsection (b) to help pay for the community development corporation's expenses related to the administration of accounts established under this chapter. All deposits in the fund under subsection (b) of more than one hundred thousand dollars ($100,000) during each calendar year may be used only to fund accounts administered by the community development corporation under this chapter.

(d) A community development corporation may allow an individual to establish a new account as adequate funding becomes available.

(e) Only money from the fund may be used to make the deposit described in subsection (f) into an account established under this section.

(f) The community development corporation shall annually deposit at least three dollars ($3) into each account for each one dollar ($1) an individual has deposited into the individual's account as of June 30.

(g) A community development corporation may not allow a qualifying individual to establish an account if the community development corporation does not have adequate funds to deposit into the account under subsection (f).

As added by P.L.15-1997, SEC.1. Amended by P.L.4-1999, SEC.3; P.L.50-2016, SEC.7.

IC 4-4-28-14

Interest; taxes; fees

Sec. 14. (a) An account must earn interest at a rate that is competitive in the county where the account is located.

(b) Interest earned on an account during a taxable year is not subject to taxation under IC 6-3 or IC 6-5.5.

(c) An account is a custodial account and is not subject to fees.

As added by P.L.15-1997, SEC.1. Amended by P.L.192-2002(ss), SEC.2; P.L.50-2016, SEC.8.

IC 4-4-28-15

Withdrawal of money from account; appeal of denial

Sec. 15. (a) An individual must request and receive authorization from the community development corporation that administers the individual's account before withdrawing money from the account for

any purpose.

(b) An individual who is denied authorization to withdraw money under subsection (a) may appeal the community development corporation's decision to the authority under rules adopted by the authority under IC 4-22-2.

As added by P.L.15-1997, SEC.1. Amended by P.L.235-2005, SEC.48; P.L.1-2006, SEC.54; P.L.181-2006, SEC.9; P.L.1-2007, SEC.11.

IC 4-4-28-16

Account withdrawal; purposes; approval

Sec. 16. (a) Money withdrawn from an individual's account is not subject to taxation under IC 6-3-1 through IC 6-3-7 if the money is used for at least one (1) of the following:

(1) To pay for costs (including tuition, laboratory costs, books, computer costs, and other costs) at an accredited postsecondary educational institution or a vocational school that is not a postsecondary educational institution for the individual or for a dependent of the individual.

(2) To pay for the costs (including tuition, laboratory costs, books, computer costs, and other costs) associated with an accredited or a licensed training program that may lead to employment for the individual or for a dependent of the individual.

(3) To purchase a primary residence located in Indiana for the individual or for a dependent of the individual or to reduce the principal amount owed on a primary residence located in Indiana that was purchased by the individual or a dependent of the individual with money from an individual development account.

(4) To pay for the rehabilitation (as defined in IC 6-3.1-11-11) of the individual's primary residence located in Indiana.

(5) To begin or to purchase part or all of a business based in Indiana or to expand an existing small business based in Indiana.

(6) Subject to section 8(b) of this chapter, to purchase a motor vehicle.

(b) At the time of requesting authorization under section 15 of this chapter to withdraw money from an individual's account under subsection (a)(5), the individual must provide the community development corporation with a business plan that:

(1) has been approved by a financial institution or is approved by the community development corporation;

(2) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

(3) may require the individual to obtain the assistance of an experienced business advisor.

As added by P.L.15-1997, SEC.1. Amended by P.L.289-2001, SEC.9;

P.L.135-2002, SEC.1; P.L.2-2007, SEC.25; P.L.150-2007, SEC.5; P.L.50-2016, SEC.9.

IC 4-4-28-17
Money in account not considered assets

Sec. 17. Money in an account may not be considered:

(1) an asset of an individual when determining the individual's eligibility for assistance under IC 12-14; or

(2) a countable asset (as defined in IC 12-7-2-44.6).

As added by P.L.15-1997, SEC.1.

IC 4-4-28-18
Annual evaluation of accounts; report

Sec. 18. (a) Each community development corporation shall annually:

(1) evaluate the individual development accounts administered by the community development corporation; and

(2) submit a report containing the evaluation information to the authority.

(b) Two (2) or more community development corporations may work together in carrying out the purposes of this chapter.

As added by P.L.15-1997, SEC.1. Amended by P.L.289-2001, SEC.10; P.L.235-2005, SEC.49; P.L.1-2006, SEC.55; P.L.181-2006, SEC.10; P.L.1-2007, SEC.12.

IC 4-4-28-19
Repealed

(As added by P.L.15-1997, SEC.1. Repealed by P.L.289-2001, SEC.15.)

IC 4-4-28-20
Repealed

(As added by P.L.15-1997, SEC.1. Repealed by P.L.289-2001, SEC.15.)

IC 4-4-28-21
Rules; adoption

Sec. 21. The authority may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.15-1997, SEC.1. Amended by P.L.289-2001, SEC.11; P.L.235-2005, SEC.50; P.L.1-2006, SEC.56; P.L.181-2006, SEC.11; P.L.1-2007, SEC.13.

IC 4-4-29
Repealed
(Repealed by P.L.229-2005, SEC.18.)

IC 4-4-30
Repealed
(Repealed by P.L.2-2007, SEC.390.)

IC 4-4-31
Repealed
(Repealed by P.L.1-2007, SEC.248.)

IC 4-4-31.4
Repealed
(Repealed by P.L.133-2012, SEC.4.)

IC 4-4-32

Chapter 32. Twenty-First Century Research and Technology Fund Grant Office

IC 4-4-32-1

"Office"

Sec. 1. As used in this chapter, "office" refers to the grant office established by section 3 of this chapter.

As added by P.L.81-2004, SEC.43.

IC 4-4-32-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the Indiana twenty-first century research and technology fund established by IC 5-28-16-2.

As added by P.L.81-2004, SEC.43. Amended by P.L.4-2005, SEC.5.

IC 4-4-32-3

Authority to establish grant office

Sec. 3. The fund board may establish and administer a grant office to assist state agencies, units of local government, postsecondary educational institutions, private sector for-profit and nonprofit entities, and other entities in Indiana in researching, developing, and receiving grants and funding from:

(1) the federal government;

(2) private foundations; or

(3) any other source of funding.

As added by P.L.81-2004, SEC.43. Amended by P.L.2-2007, SEC.26.

IC 4-4-32-4

Powers of grant office

Sec. 4. The office may do the following:

(1) Work with and coordinate with state, university, and private entities that are responsible for the identification and acquisition of research and development grants and funds and other sources of assistance to do the following:

(A) Share information.

(B) Leverage skills and assets.

(C) Jointly market their respective programs to the widest possible population in Indiana.

(2) Serve as a repository and clearinghouse for information concerning available research and development grants and funds and other sources of assistance.

As added by P.L.81-2004, SEC.43.

IC 4-4-32-5

Authority to establish list of entities seeking research and development money

Sec. 5. The office may establish and maintain a list of all:

(1) Indiana state and local governmental entities;

(2) postsecondary educational institutions; and

(3) private sector for-profit and nonprofit entities;

that are actively seeking research and development money and may benefit from assistance in acquiring research and development funding from a source described in section 3 of this chapter.

As added by P.L.81-2004, SEC.43. Amended by P.L.2-2007, SEC.27.

IC 4-4-32-6

Authority to assist potential funding recipients in preparing applications

Sec. 6. (a) The office may assist potential funding recipients described in section 5 of this chapter in preparing applications and all other documentation to aggressively seek funding.

(b) The office may give priority to assisting the following:

(1) Highly ranked applicants for grants from the fund.

(2) Entities with proposal concepts that the fund board determines are consistent with state strategic objectives.

(3) Opportunities with strong commercial potential for Indiana.

(4) Opportunities that have substantial private entity interest and participation.

As added by P.L.81-2004, SEC.43.

IC 4-4-32-7

Authority to accept appropriations and gifts and donations

Sec. 7. The office may accept:

(1) appropriations from the general assembly; and

(2) gifts and donations from any other source;

to further the activities of the office.

As added by P.L.81-2004, SEC.43.

IC 4-4-32.2

Chapter 32.2. Alternative Fuel Fueling Station Grant Program

IC 4-4-32.2-1

"Alternative fuel"

Sec. 1. As used in this chapter, "alternative fuel" means liquefied petroleum gas, a compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas product, not including a biodiesel fuel or biodiesel blend, used in an internal combustion engine or a motor to propel a motor vehicle. The term includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-2

"Alternative fuel compatible"

Sec. 2. As used in this chapter, "alternative fuel compatible", with respect to a fueling station, means capable of storing and delivering alternative fuel in conformance with any governmental or other nationally recognized standards that apply to the storage and handling of alternative fuel, as determined under standards adopted by the office under section 12(1) of this chapter.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-3

"Fueling station"

Sec. 3. As used in this chapter, "fueling station" refers to tangible property (other than a building and its structural components) that:

(1) consists of:

(A) a tank or other storage unit;

(B) a pump or other dispensing equipment; and

(C) other components; and

(2) is used by:

(A) a person engaged in the business of selling motor fuel at retail, to enable motor fuel to be dispensed directly into the fuel tank of a customer's motor vehicle;

(B) a person engaged in a business, other than a business described in clause (A), to enable motor fuel to be dispensed directly into the fuel tank of a motor vehicle, if the fueling station is accessible to members of the public; or

(C) a unit to enable motor fuel to be dispensed directly into the fuel tank of a motor vehicle, regardless of whether the fueling station is accessible to members of the public.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-4

"Location"

Sec. 4. As used in this chapter, "location" refers to one (1) or more parcels of land that:

(1) have a common access to a public highway; and

(2) are or would appear to the reasonable person making an observation from a public highway to be part of the same business.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-5
"Motor fuel"

Sec. 5. (a) As used in this chapter, "motor fuel" has the meaning set forth in IC 6-6-4.1-1(i).

(b) The term includes alternative fuel.

As added by P.L.151-2009, SEC.1. Amended by P.L.277-2013, SEC.2.

IC 4-4-32.2-6
"Motor vehicle"

Sec. 6. As used in this chapter, "motor vehicle" means any vehicle that:

(1) is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails); and

(2) has at least four (4) wheels.

As added by P.L.151-2009, SEC.1. Amended by P.L.109-2015, SEC.5.

IC 4-4-32.2-7
"Office"

Sec. 7. As used in this chapter, "office" refers to the Indiana office of energy development established by IC 4-3-23-3.

As added by P.L.151-2009, SEC.1. Amended by P.L.34-2013, SEC.4.

IC 4-4-32.2-8
"Qualified investment"

Sec. 8. As used in this chapter, "qualified investment" refers to an ordinary and usual expense that is incurred after June 30, 2009, to purchase any part of an alternative fuel compatible fueling station for the purpose of:

(1) installing a new alternative fuel compatible fueling station at a location on which a fueling station is not located; or

(2) replacing an existing fueling station that is not an alternative fuel compatible fueling station with a fueling station that is an alternative fuel compatible fueling station.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-9
"Unit"

Sec. 9. As used in this chapter, "unit" means a county, city, town, township, or school corporation.
As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-10
Grant awards by the office; grant recipient must comply with office guidelines; one grant per location

Sec. 10. (a) Subject to subsections (b) and (c), the office may award a grant under this chapter to a person or unit that:

(1) makes a qualified investment; and

(2) places the alternative fuel compatible fueling station for which the qualified investment was made into service;

in Indiana for the dispensing of alternative fuel into the fuel tanks of motor vehicles.

(b) A recipient of a grant awarded under this chapter must comply with any guidelines developed by the office in connection with grants awarded under this chapter.

(c) The office may not award more than one (1) grant under this chapter for a single location.
As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-11
Office determines amount of grant; limit on amount

Sec. 11. (a) Subject to subsection (b) and section 13 of this chapter, the office shall determine the amount of each grant awarded under this chapter.

(b) The amount of a grant awarded under this chapter for a location may not exceed the lesser of the following:

(1) The amount of the grant recipient's qualified investment for the location.

(2) Twenty thousand dollars ($20,000).

(c) The amount of a grant awarded under this chapter for a location may be less than the amount of the grant recipient's qualified investment for the location.
As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-12
Administrative responsibilities of the office

Sec. 12. The office shall do the following:

(1) Adopt guidelines to determine standards for awarding grants under this chapter, including standards for determining whether a fueling station complies with applicable governmental or other nationally recognized standards that apply to the storage and handling of alternative fuel.

(2) Prepare and supervise the issuance of public information concerning the grant program established under this chapter.

(3) Prescribe the form for and regulate the submission of applications for grants under this chapter.

(4) Determine an applicant's eligibility for a grant under this chapter.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-13

Limit on total grants awarded for all fiscal years

Sec. 13. The total amount of grants awarded under this chapter for all state fiscal years may not exceed one million dollars ($1,000,000).

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-14

Alternative fuel fueling station grant fund; sources of funds; investment of money in fund; nonreverting fund; appropriation

Sec. 14. (a) The alternative fuel fueling station grant fund is established to provide grants under this chapter. The fund shall be administered by the office.

(b) The fund consists of:

(1) money appropriated to the fund by the general assembly;

(2) money received from state or federal grants or programs for alternative fuels projects; and

(3) donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

(e) Money in the fund is continuously appropriated for the purposes of this chapter.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-15

Grant not subject to state adjusted gross income tax

Sec. 15. A grant awarded under this chapter is not subject to taxation under IC 6-3-1 through IC 6-3-7.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.2-16

Grant does not reduce basis of qualified property

Sec. 16. A grant awarded under this chapter does not reduce the basis of the qualified property for purposes of determining any gain or loss on the property when the grant recipient disposes of the property.

As added by P.L.151-2009, SEC.1.

IC 4-4-32.3

Chapter 32.3. Alternative Fuel Vehicle Grant Program for Local Units

IC 4-4-32.3-1

"Alternative fuel"

Sec. 1. As used in this chapter, "alternative fuel" means liquefied petroleum gas, a compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas product, not including a biodiesel fuel or biodiesel blend, used in an internal combustion engine or a motor to propel a motor vehicle. The term includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas.

As added by P.L.151-2009, SEC.2. Amended by P.L.109-2015, SEC.6.

IC 4-4-32.3-2

"Alternative fuel conversion kit"

Sec. 2. As used in this chapter, "alternative fuel conversion kit" means any equipment used to convert a motor vehicle that is not an alternative fuel vehicle into an alternative fuel vehicle, in conformance with any applicable governmental or other nationally recognized safety or design standards, as determined under standards adopted by the office under section 8(1) of this chapter.

As added by P.L.151-2009, SEC.2. Amended by P.L.109-2015, SEC.7.

IC 4-4-32.3-3

"Alternative fuel vehicle"

Sec. 3. As used in this chapter, "alternative fuel vehicle" means any motor vehicle that is designed to operate:

(1) on alternative fuel alone; or

(2) on alternative fuel alternately with another fuel source;

in conformance with any applicable governmental or other nationally recognized safety or design standards, as determined under standards adopted by the office under section 8(1) of this chapter.

As added by P.L.151-2009, SEC.2. Amended by P.L.109-2015, SEC.8.

IC 4-4-32.3-3.8

"Motor vehicle"

Sec. 3.8. As used in this chapter, "motor vehicle" means any vehicle that:

(1) is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails); and

(2) has at least four (4) wheels.

As added by P.L.109-2015, SEC.9.

IC 4-4-32.3-4
"Office"

Sec. 4. As used in this chapter, "office" refers to the Indiana office of energy development established by IC 4-3-23-3.

As added by P.L.151-2009, SEC.2. Amended by P.L.34-2013, SEC.5.

IC 4-4-32.3-5
"Qualified purchase"

Sec. 5. As used in this chapter, "qualified purchase" refers to the purchase by a unit after June 30, 2009, of any of the following:

(1) One (1) or more alternative fuel vehicles.

(2) One (1) or more alternative fuel conversion kits, including any installation costs.

As added by P.L.151-2009, SEC.2.

IC 4-4-32.3-6
"Unit"

Sec. 6. As used in this chapter, "unit" means a county, city, town, township, or school corporation.

As added by P.L.151-2009, SEC.2.

IC 4-4-32.3-7
Office may award grants to units; award amount and limitations

Sec. 7. (a) Subject to subsections (d) and (e), the office may award a grant under this chapter to a unit that makes a qualified purchase.

(b) Subject to subsection (c) and section 9 of this chapter, the amount of a grant that may be awarded under this chapter to a unit equals the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the product of:

(A) two thousand dollars ($2,000); multiplied by

(B) the number of alternative fuel vehicles purchased by the unit.

STEP TWO: For each alternative fuel conversion kit purchased by the unit, determine the lesser of:

(A) two thousand dollars ($2,000); or

(B) the actual cost of the alternative fuel conversion kit.

STEP THREE: Determine the sum of all amounts determined under STEP TWO.

STEP FOUR: Add the amounts determined under STEPS ONE and THREE.

(c) In the guidelines adopted by the office under section 8(1) of this chapter, the office may limit the:

(1) number of alternative fuel vehicles; or

(2) number of alternative fuel conversion kits;

for which a unit may receive a grant under this chapter.

(d) A recipient of a grant awarded under this chapter must comply with any guidelines developed by the office in connection with

grants awarded under this chapter.

(e) The office may not award more than one (1) grant under this chapter to any one (1) unit.

As added by P.L.151-2009, SEC.2.

IC 4-4-32.3-8

Office responsibilities

Sec. 8. The office shall do the following:

(1) Adopt guidelines to determine standards for awarding grants under this chapter, including standards for determining whether an alternative fuel vehicle or an alternative fuel conversion kit complies with applicable governmental or other nationally recognized standards.

(2) Prepare and supervise the issuance of information to units concerning the grant program established under this chapter.

(3) Prescribe the form for and regulate the submission of applications for grants under this chapter.

(4) Determine an applicant's eligibility for a grant under this chapter.

As added by P.L.151-2009, SEC.2.

IC 4-4-32.3-9

Limit on grants awarded for all units

Sec. 9. The total amount of grants awarded under this chapter for all units may not exceed one million dollars ($1,000,000).

As added by P.L.151-2009, SEC.2.

IC 4-4-32.3-10

Local unit alternative fuel vehicle grant fund; source of funds; investment of money in fund; nonreverting fund; appropriation

Sec. 10. (a) The local unit alternative fuel vehicle grant fund is established to provide grants under this chapter. The fund shall be administered by the office.

(b) The fund consists of:

(1) money appropriated to the fund by the general assembly;

(2) money received from state or federal grants or programs for alternative fuels projects; and

(3) donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

(e) Money in the fund is continuously appropriated for the purposes of this chapter.

As added by P.L.151-2009, SEC.2.

IC 4-4-32.4
Repealed

(Repealed by P.L.1-2006, SEC.588.)

IC 4-4-33

Chapter 33. Miscellaneous Community Development Programs

IC 4-4-33-1

Administration by lieutenant governor

Sec. 1. The lieutenant governor shall administer the following:

(1) The Housing Assistance Act of 1937 (42 U.S.C. 1437).

(2) Community services programs, including the Community Services Block Grant under 42 U.S.C. 9901 et seq.

(3) Home energy assistance programs, including the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq.

(4) Weatherization programs, including weatherization programs and money received under 42 U.S.C. 6851 et seq.

(5) Migrant and farm worker programs and money under 20 U.S.C. 6391 et seq., 29 U.S.C. 49 et seq., and 42 U.S.C. 1397 et seq.

(6) Emergency shelter grant programs and money under 42 U.S.C. 11371 et seq.

(7) Shelter plus care programs and money under 42 U.S.C. 11403 et seq.

As added by P.L.181-2006, SEC.12. Amended by P.L.156-2011, SEC.1.

IC 4-4-34

Chapter 34. Indiana Office of Defense Development

IC 4-4-34-1

"Director"

Sec. 1. As used in this chapter, “director" means the chief executive and administrative officer of the Indiana office of defense development.

As added by P.L.34-2013, SEC.6.

IC 4-4-34-2

"Office"

Sec. 2. As used in this chapter, “office" refers to the Indiana office of defense development established by section 3 of this chapter.

As added by P.L.34-2013, SEC.6.

IC 4-4-34-3

Indiana office of defense development established

Sec. 3. The Indiana office of defense development is established to develop and implement strategies for promoting defense assets and industry of Indiana.

As added by P.L.34-2013, SEC.6.

IC 4-4-34-4

Duties

Sec. 4. The office shall do the following:

(1) Promote the defense assets located in Indiana.

(2) Attract defense related industry and activities to Indiana, working with local, regional, and statewide economic development organizations.

(3) Promote and assist in the commercialization of the United States Department of Defense and other federal intellectual property and assets to create new products, companies, and jobs in Indiana.

(4) Report annually to the lieutenant governor on the economic, workforce, and national security impact of the defense assets and defense industry in Indiana.

As added by P.L.34-2013, SEC.6.

IC 4-4-34-5

Appointments; supervision

Sec. 5. The lieutenant governor shall appoint the director of the office. The director shall report directly to the lieutenant governor. The director:

(1) is entitled to receive compensation in an amount set by the lieutenant governor, subject to the approval of the budget agency under IC 4-12-1-13;

(2) may appoint employees in the manner provided by

IC 4-15-2.2;

(3) may fix the compensation of employees of the office, subject to the approval of the budget agency under IC 4-12-1-13; and

(4) may delegate the director's authority to the appropriate office staff.

As added by P.L.34-2013, SEC.6.

IC 4-4-34-6

Adoption of rules

Sec. 6. The office may adopt rules under IC 4-22-2 to carry out its responsibilities under this chapter.

As added by P.L.34-2013, SEC.6.

IC 4-4-34-7

Transfer of duties and liability

Sec. 7. (a) All powers, duties, liabilities, records, property, appropriations, and employees of the office of energy and defense development as of June 30, 2013, that are related to defense or defense development are transferred to the office as the successor office.

(b) Rules of the office of energy and defense development related to defense or defense development that were adopted before July 1, 2013, are transferred to the office and shall be treated after June 30, 2013, as though they had been adopted by the office.

As added by P.L.34-2013, SEC.6.

IC 4-4-35

Chapter 35. Office of Small Business and Entrepreneurship

IC 4-4-35-1

"Director"

Sec. 1. As used in this chapter, "director" refers to the director of the office of small business and entrepreneurship appointed under section 4 of this chapter.

As added by P.L.187-2014, SEC.7.

IC 4-4-35-2

"Office"

Sec. 2. As used in this chapter, "office" refers to the office of small business and entrepreneurship established by section 3 of this chapter.

As added by P.L.187-2014, SEC.7.

IC 4-4-35-3

Establishment

Sec. 3. The office of small business and entrepreneurship is established.

As added by P.L.187-2014, SEC.7.

IC 4-4-35-4

Director; appointment; powers

Sec. 4. (a) The lieutenant governor shall appoint an individual to be the director of the office.

(b) The director:

(1) serves at the lieutenant governor's pleasure;

(2) is entitled to receive compensation in an amount set by the lieutenant governor subject to the approval of the budget agency under IC 4-12-1-13; and

(3) is responsible to the lieutenant governor.

(c) The director is the chief executive and administrative officer of the office.

(d) The director may appoint employees in the manner provided by IC 4-15-2.2 and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.

(e) The director may delegate the director's authority to the appropriate office staff.

As added by P.L.187-2014, SEC.7.

IC 4-4-35-5

Duties and authorities of the office

Sec. 5. (a) The office shall do the following:

(1) Operate the Indiana small business development center.

(2) Maintain, through the small business development centers, a statewide network of public, private, and educational

resources to, among other things, inform small businesses of the state and federal programs under which small businesses may obtain financial assistance or realize reduced costs through programs such as the small employer health insurance pooling program under IC 27-8-5-16(8).

(3) Employ a small business ombudsman.

(4) Support the development of small business in Indiana through the Indiana small business development center.

(5) Administer the young entrepreneurs program under IC 4-4-36.

(6) Develop and administer programs to support the growth of small businesses.

(b) The office may maintain:

(1) a toll free telephone number; and

(2) an Internet web page;

to provide free access to the office's services related to the Indiana small business development center.

As added by P.L.187-2014, SEC.7. Amended by P.L.145-2016, SEC.1.

IC 4-4-35-6

Small business assistance center

Sec. 6. The office may operate a small business assistance center to provide small businesses, including minority owned businesses and businesses owned by women, with access to managerial and technical expertise and to provide assistance in resolving problems encountered by small businesses.

As added by P.L.187-2014, SEC.7.

IC 4-4-35-7

Powers and duties

Sec. 7. The office has the following:

(1) All powers, duties, and responsibilities designated by the governor or the lieutenant governor, or both, that are consistent with the exercise of executive authority under the Constitution of the State of Indiana.

(2) All powers, duties, and responsibilities provided to the office by statute.

As added by P.L.187-2014, SEC.7.

IC 4-4-35-8

Small business ombudsman

Sec. 8. The office shall designate an employee to be the small business ombudsman. The small business ombudsman serves at the pleasure of the director. The office shall provide staff support to the small business ombudsman. The small business ombudsman shall carry out the following duties:

(1) Work with state agencies to permit increased enforcement

flexibility and the ability to grant common sense exemptions for first time offenders of state rules and policies, including, notwithstanding any other law, policies for the compromise of interest and penalties related to a listed tax (as defined in IC 6-8.1-1-1) and other taxes and fees collected or administered by a state agency.

(2) Work with state agencies to seek ways to consolidate forms and eliminate the duplication of paperwork, harmonize data, and coordinate due dates.

(3) Coordinate with OMB (as defined in IC 4-3-22-3) to perform cost benefit analyses.

(4) Work with state agencies to monitor any outdated, ineffective, or overly burdensome information requests from state agencies to small businesses.

(5) Carry out the duties specified under IC 4-22-2-28 and IC 4-22-2.1 to review proposed rules and participate in rulemaking actions that affect small businesses.

(6) Coordinate with the ombudsman designated under IC 13-28-3-2 and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under IC 4-22-2-28.1 and IC 13-28-3.

(7) Prepare written and electronic information for periodic distribution to small businesses describing the small business services provided by coordinators (as defined in IC 4-3-22-16) and work with the office of technology established by IC 4-13.1-2-1 to place information concerning the availability of these services on state Internet web sites that the small business ombudsman or a state agency determines are most likely to be visited by small business owners and managers.

(8) Assist in training agency coordinators that are assigned to rules under IC 4-22-2-28.1(e).

(9) Investigate and attempt to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

State agencies shall cooperate with the small business ombudsman to carry out the purpose of this section. The department of state revenue and the department of workforce development shall establish a program to distribute the information described in subdivision (7) to small businesses that are required to file returns or information with these state agencies.

As added by P.L.187-2014, SEC.7.

IC 4-4-35-9

Authorization to adopt rules

Sec. 9. The office may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of this chapter.

As added by P.L.187-2014, SEC.7.

IC 4-4-36

Chapter 36. Young Entrepreneurs Program

IC 4-4-36-1

"Office"

Sec. 1. As used in this chapter, "office" means the office of small business and entrepreneurship established by IC 4-4-35-3.

As added by P.L.187-2014, SEC.8.

IC 4-4-36-2

"Young entrepreneur"

Sec. 2. As used in this chapter, "young entrepreneur" means an individual who:

(1) is enrolled in a state educational institution and pursuing a major or minor in an entrepreneurial program; or

(2) graduated from a state educational institution with a major or minor in an entrepreneurial program not more than three (3) years before submitting an application to participate in a program established under section 3 of this chapter.

As added by P.L.187-2014, SEC.8.

IC 4-4-36-3

Young entrepreneurs program

Sec. 3. (a) The office shall administer a program to promote young entrepreneurs who wish to start a business in Indiana. The program is the continuation of the program established under IC 5-28-35 (repealed).

(b) The office shall cooperate with the office of community and rural affairs established by IC 4-4-9.7-4 to inform rural communities of the opportunity to seek economic development opportunities under the program.

(c) Notwithstanding any other law, the office may use any money available to the office under this article to implement this chapter.

As added by P.L.187-2014, SEC.8.

IC 4-4-36-4

Auctions

Sec. 4. The program administered under this chapter must include at least one (1) auction per year in which interested communities and economic development organizations bid on the opportunity to locate a young entrepreneur's business in the community or territory served by the economic development organization.

As added by P.L.187-2014, SEC.8.

IC 4-4-36-5

Application

Sec. 5. A young entrepreneur who wishes to participate in the program must apply on a form prescribed by the office. The

application must describe the young entrepreneur's proposals for starting a business in Indiana, including start up needs for the proposed business and the applicant's preferred locations.
As added by P.L.187-2014, SEC.8.

IC 4-4-36-6
Review and selection of young entrepreneurs
Sec. 6. The office shall review the applications submitted under section 5 of this chapter and select the young entrepreneurs permitted to participate in an auction conducted under section 7 of this chapter.
As added by P.L.187-2014, SEC.8.

IC 4-4-36-7
Notice and guidelines for auctions
Sec. 7. The office shall publicly announce the office's intent to conduct an auction and the auction guidelines. The office may conduct an auction held under this section in person or in an online format at a state educational institution or a state government location in Indianapolis.
As added by P.L.187-2014, SEC.8.

IC 4-4-36-8
Bidders; submission of bids; review and selection of winning bids
Sec. 8. (a) Communities and economic development organizations may submit bids to the office for the auction consistent with the guidelines announced by the office. The office shall review each bid submitted at the auction to identify the communities and economic development organizations that submitted bids that meet or exceed the needs of the selected young entrepreneurs.
(b) The office shall review the bids identified under subsection (a) and assist the young entrepreneur in selecting a winning community or economic development organization from among the identified bids. A bid selected by a young entrepreneur under this subsection is legally binding upon the parties in accordance with the terms of the selected bid.
As added by P.L.187-2014, SEC.8.

IC 4-4-36-9
Assistance with business proposals
Sec. 9. The office may assist each young entrepreneur selected to participate in the program with the development of the young entrepreneur's business proposal to ensure that each proposal is professionally presented to interested bidders.
As added by P.L.187-2014, SEC.8.

IC 4-4-36-10
Auction preview event
Sec. 10. The office shall conduct a preview event before an

auction held under section 7 of this chapter. The preview event must be designed to introduce the young entrepreneurs selected for the auction to interested communities and economic development organizations. The preview event may be held at a state educational institution or a state government location in Indianapolis.
As added by P.L.187-2014, SEC.8.

IC 4-4-36-11
Assistance for bidders

Sec. 11. The office of community and rural affairs shall assist rural communities and economic development organizations serving rural communities in reviewing business proposals and preparing bids for an auction held under section 7 of this chapter.
As added by P.L.187-2014, SEC.8.

IC 4-4-36-12
Fees

Sec. 12. The office may impose a reasonable fee on a community or economic development organization that participates in an auction conducted under this chapter.
As added by P.L.187-2014, SEC.8.

IC 4-4-36-13
Expiration of program

Sec. 13. This chapter expires December 31, 2016.
As added by P.L.187-2014, SEC.8.

IC 4-4-37

Chapter 37. Historic Preservation and Rehabilitation Grant Program

IC 4-4-37-1

Applicability

Sec. 1. This chapter applies after June 30, 2016.

As added by P.L.213-2015, SEC.39.

IC 4-4-37-1.3

"Division"

Sec. 1.3. As used in this chapter, "division" refers to the division of historic preservation and archeology of the department of natural resources established by IC 14-9-4-1.

As added by P.L.202-2016, SEC.1.

IC 4-4-37-2

"Office"

Sec. 2. As used in this chapter, "office" refers to the office of community and rural affairs established by IC 4-4-9.7-4.

As added by P.L.213-2015, SEC.39.

IC 4-4-37-3

"Person"

Sec. 3. As used in this chapter, "person" means any individual, partnership, firm, association, joint venture, limited liability company, or corporation.

As added by P.L.213-2015, SEC.39.

IC 4-4-37-4

"Preservation"

Sec. 4. (a) As used in this chapter, "preservation" means the application of measures to sustain the form, integrity, and material of:

(1) a building or structure; or

(2) the form of property.

(b) The term includes stabilization work and the maintenance of historic building materials.

As added by P.L.213-2015, SEC.39.

IC 4-4-37-5

"Qualified expenditure"

Sec. 5. (a) As used in this chapter, "qualified expenditures" means expenditures for preservation or rehabilitation that are chargeable to a capital account and limited for a project to the exterior of a building.

(b) The term does not include costs that are incurred to do the following:

(1) Acquire a property or an interest in a property.
(2) Pay taxes due on a property.
(3) Enlarge an existing structure.
(4) Pay realtor's fees associated with a structure or property.
(5) Pay paving and landscaping costs.
(6) Pay sales and marketing costs.

As added by P.L.213-2015, SEC.39.

IC 4-4-37-6
"Rehabilitation"

Sec. 6. As used in this chapter, "rehabilitation" means the process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving the parts or features of the property that are significant to the historical or architectural values of the property.

As added by P.L.213-2015, SEC.39.

IC 4-4-37-7
Award of grants; maximum amount; agreement

Sec. 7. (a) The office may award a grant to a person who submits plans for the preservation or rehabilitation of historic property and obtains the certifications required under section 8 of this chapter.

(b) The maximum amount of a grant awarded under this section is equal to thirty-five percent (35%) of the qualified expenditures, not to exceed one hundred thousand dollars ($100,000), that:

(1) the person makes for the preservation or rehabilitation of historic property; and
(2) are approved by the office.

(c) Each grant shall be made under a grant agreement by and between the office and the person receiving the grant. The grant agreement must include all of the following:

(1) A timeline for completing the project, including milestones that the person commits to achieving by the time specified.
(2) The approved plans for the preservation or rehabilitation of the historic property.
(3) The estimated cost of the preservation or rehabilitation of the historic property and all sources of money for the project.
(4) The financing plan by the person proposing the project.
(5) The remedies available to the office if the grant is made and the project does not substantially comply with the proposed plan approved under this chapter.
(6) Any other terms or conditions the office considers appropriate.

As added by P.L.213-2015, SEC.39. Amended by P.L.202-2016, SEC.2.

IC 4-4-37-8
Conditions for award of grants

Sec. 8. The office may award a grant to a person if all the following conditions are met:

(1) The historic property is:

(A) located in Indiana;

(B) at least fifty (50) years old; and

(C) owned by the person. This requirement does not apply to a nonprofit organization facilitating a qualified affordable housing project.

(2) The office certifies that the historic property is listed in or eligible to be listed in:

(A) the register of Indiana historic sites and historic structures; or

(B) the National Register of Historic Places, either individually or as a contributing resource in a National Register District.

(3) The office certifies that the person submitted a proposed preservation or rehabilitation plan to the division that complies with the standards of the division.

(4) The submitted plan referenced in section 7 of this chapter complies with the program guidelines established by the office.

(5) The historic property is to be:

(A) actively used in a trade or business;

(B) held for the production of income; or

(C) held for the rental or other use in the ordinary course of the person's trade or business.

(6) The qualified expenditures for preservation or rehabilitation of the historic property exceed ten thousand dollars ($10,000).

As added by P.L.213-2015, SEC.39. Amended by P.L.202-2016, SEC.3.

IC 4-4-37-9

Certifications by the office

Sec. 9. The office may provide the certifications referred to in section 8(3) of this chapter if a person's proposed preservation or rehabilitation plan complies with the standards of the office and the person's preservation or rehabilitation work complies with the plan.

As added by P.L.213-2015, SEC.39. Amended by P.L.202-2016, SEC.4.

IC 4-4-37-10

Total amount of grants in a state fiscal year

Sec. 10. The total amount of grants awarded under this chapter in a particular state fiscal year may not exceed the amount appropriated by the general assembly to the office for making grants under this chapter in that state fiscal year.

As added by P.L.213-2015, SEC.39.

IC 4-5

ARTICLE 5. SECRETARY OF STATE

IC 4-5-1

Chapter 1. Secretary of State

IC 4-5-1-1

Commencement of term; bond

Sec. 1. (a) The individual elected as secretary of state shall take office on January 1 following the individual's election.

(b) The secretary of state, before entering upon the duties of office, shall execute an official bond with freehold or corporate security. Freehold surety must be approved by the governor.

(Formerly: Acts 1852,1RS, c.96, s.1.) As amended by Acts 1978, P.L.12, SEC.1; P.L.8-1995, SEC.67.

IC 4-5-1-2

Preservation of documents; indexing system; copying by micrographic or equivalent technique; standards for copies; copies of rules

Sec. 2. (a) The secretary of state shall keep and preserve the following:

(1) The enrolled copy of the constitution of the state.

(2) The manuscripts containing the enrolled acts and joint resolutions of the general assembly.

(3) All the official bonds of state officers except the secretary of state's bond.

(4) All written contracts to which the state is a party, unless required to be deposited elsewhere.

(5) Any rule or other agency statement that is filed under IC 4-22-2 before July 1, 2006.

(b) All documents described in subsection (a)(1), (a)(2), or (a)(5) may be transferred by the secretary of state to the Indiana archives and records administration for safekeeping, and the administration shall receive and safely preserve them when transferred. The secretary of state and the Indiana archives and records administration shall establish an indexing system so that the secretary of state, an agency, or the Indiana archives and records administration can comply with a request under IC 5-14-3 to inspect or copy a transferred document described in subsection (a)(5), including the full text of a matter incorporated by reference into a document described in subsection (a)(5). The indexing system must at least identify transferred documents by the following:

(1) Indiana Administrative Code citation.

(2) Indiana Register document control number or volume and page number.

(3) Year of adoption.

(4) General subject matter.

(c) Regardless of whether a document described in subsection (a)(1) or (a)(2) is transferred to the Indiana archives and records administration under subsection (b), when deemed expedient or necessary for the preservation of the documents, the secretary of state may copy the documents by any micrographic or equivalent technique, and the copies shall be stored in a place other than in the state capitol building or the Indiana state library.

(d) The secretary of state may copy in micrographic or equivalent form the complete contents of each rule that is filed with the secretary of state's office under IC 4-22-2 before July 1, 2006. Both the rule and the full text of matters incorporated by reference into the rule may be copied.

(e) Copies prepared under subsection (d) must conform with the following:

(1) The standards developed by the supreme court and the oversight commission on public records under IC 5-15-5.1-8.

(2) The standards developed in an agreement between the secretary of state, the publisher of the Indiana Register, the governor, the attorney general, the Indiana library and historical department, and the Indiana archives and records administration.

(f) The secretary of state may copy, micrographically or through an equivalent method, documents under subsection (d):

(1) in the laboratory operated under IC 5-15-5.1-8 by the Indiana archives and records administration;

(2) with equipment and technology operated by the secretary of state; or

(3) through a contract for services procured under IC 5-22.

(g) When a document is copied, whether micrographically or through an equivalent method, under this section, the original documents shall never be destroyed. However, if the secretary of state has the capacity to make certifiable copies of the rules described in subsection (d) using micrographic or other media, the secretary of state may return to the agency from which any rule originated the full text of any matter that is incorporated by reference into the rule and copied micrographically or through an equivalent method.

(Formerly: Acts 1852,1RS, c.96, s.2; Acts 1957, c.5, s.1.) As amended by Acts 1978, P.L.12, SEC.2; Acts 1979, P.L.40, SEC.6; P.L.31-1985, SEC.39; P.L.11-1996, SEC.1; P.L.49-1997, SEC.3; P.L.123-2006, SEC.1; P.L.85-2012, SEC.1; P.L.171-2015, SEC.1.

IC 4-5-1-3

Copies of records and documents; evidence; official acts and proceedings of governor; inspection of records

Sec. 3. (a) If certified and sealed by the secretary of state with the state seal, any copy (including a copy that has been reproduced from a micrographic copy prepared under section 2 of this chapter) of any

records, laws, acts, official bonds, registers, rules, or papers that are required by law to be kept in the office of the secretary of state shall, in all cases, be evidence equally and in like manner as the originals.

(b) The secretary of state shall attest all the official acts and proceedings of the governor and affix the seal of state, with the attestation, to all commissions, pardons, and other public instruments to which the signature of the governor is required.

(c) The secretary of state shall permit all the books, bonds, conveyances, registers, papers, accounts, and transactions of the secretary of state's office to be open at all times to the inspection and examination of any committee of either branch of the general assembly.

(d) The secretary of state shall furnish information in writing upon any subject relating to the duties of the secretary of state's office to the governor, whenever required.

(Formerly: Acts 1852, 1RS, c.96, s.3.) As amended by Acts 1978, P.L.12, SEC.3; P.L.31-1985, SEC.40; P.L.215-2016, SEC.28.

IC 4-5-1-4
Certified copies of documents

Sec. 4. The secretary of state shall furnish, on demand, to any person, a duly certified copy of all or any part of any law, act, record, public register, public document, or other instrument of writing on file, or deposited, under law, to be kept, in the secretary of state's office, and of which a copy may be properly given.

(Formerly: Acts 1852, 1RS, c.96, s.4.) As amended by P.L.215-2016, SEC.29.

IC 4-5-1-5
Repealed

(Repealed by Acts 1971, P.L.20, SEC.7.)

IC 4-5-1-6
Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-5-1-7
Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-5-1-8
Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-5-1-9
Deputy

Sec. 9. The secretary may appoint a deputy, who may perform the duties of the office of secretary.

(Formerly: Acts 1852, 1RS, c.96, s.10.) As amended by Acts 1978, P.L.12, SEC.4.

IC 4-5-1-10
Repealed

(As added by P.L.3-1987, SEC.494. Repealed by P.L.176-1999, SEC.133 and P.L.202-1999, SEC.27.)

IC 4-5-1-11
Secretary of state adoption of rules to enforce motor vehicle dealer laws

Sec. 11. The secretary of state may adopt and enforce rules under IC 4-22-2 that are necessary to carry out IC 9-32.

As added by P.L.184-2007, SEC.1. Amended by P.L.106-2008, SEC.2; P.L.197-2011, SEC.2; P.L.92-2013, SEC.1.

IC 4-5-1-12
Dealer services division; director to be appointed

Sec. 12. (a) The secretary of state shall establish a dealer services division within the office of the secretary of state. The dealer services division shall administer IC 9-32.

(b) The secretary of state shall appoint a director of the dealer services division established by subsection (a).

As added by P.L.92-2013, SEC.2. Amended by P.L.174-2016, SEC.1.

IC 4-5-1-13
Adoption of rules to carry out precious metal dealer registration

Sec. 13. The secretary of state may adopt and enforce rules under IC 4-22-2 necessary to carry out IC 24-4-19-13(b) concerning precious metal dealer registration.

As added by P.L.222-2013, SEC.1.

IC 4-5-2

Chapter 2. Custodian of Public Records

IC 4-5-2-1

Custodian of public records; duties

Sec. 1. The secretary of state shall be the custodian of the public records of the state of Indiana, except as required by law to be deposited elsewhere, and shall keep the secretary of state's office and all books and papers pertaining to the office in places in the state buildings as may be assigned. The secretary of state shall arrange, record, file, register, index, and keep all books, blanks, reports, orders, receipts, accounts, papers, documents, and business pertaining to the secretary of state's office, or deposited in the secretary of state's office, and in a form and manner as will make the items most convenient to access.

(Formerly: Acts 1873, c.81, s.1.) As amended by Acts 1978, P.L.12, SEC.5; P.L.215-2016, SEC.30.

IC 4-5-2-2

Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-5-3
Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-5-4
Repealed

(Repealed by Acts 1972, P.L.18, SEC.2.)

IC 4-5-5
Repealed

(Repealed by Acts 1971, P.L.20, SEC.7.)

IC 4-5-6
Repealed
(Repealed by Acts 1972, P.L.18, SEC.2.)

IC 4-5-7
Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-5-8
Repealed

(Repealed by Acts 1972, P.L.18, SEC.2.)

IC 4-5-9
Repealed

(Repealed by Acts 1978, P.L.12, SEC.9.)

IC 4-5-10

Chapter 10. Technology Enhancement and Service Improvement

IC 4-5-10-1

Purpose; public information system; business formation

Sec. 1. (a) As used in this section, "person" includes:

(1) an individual engaged in a trade or business; and

(2) a business entity or association described in IC 23.

(b) The office of technology established by IC 4-13.1-2-1 and the secretary of state shall establish policies and procedures for providing electronic and enhanced access under this chapter to create and maintain uniform policies and procedures for electronic and enhanced access by the public.

(c) The secretary of state, in collaboration with other state agencies, including the department of workforce development and the department of state revenue, shall develop and maintain an Internet web site through which a person is able to submit information simultaneously to the secretary of state and other state agencies about the person's formation, existence, or other trade, business, business entity, or association activities for the purpose of complying with the requirements of state law, including requirements concerning:

(1) pre-establishment;

(2) establishment;

(3) registration;

(4) reinstatement;

(5) licenses or permits;

(6) filings or reports; and

(7) transacting payments or refunds.

The secretary of state shall assign to each business entity registered through the Internet web site a unique business identification number. The secretary of state, the department of state revenue, the department of workforce development, and other state agencies sharing information on the Internet web site relating to a business entity shall use the business entity's unique business identification number.

(d) If the secretary of state requests assistance from a state agency in the development and maintenance of the Internet web site described in subsection (c), the state agency, including the department of workforce development and the department of state revenue, shall furnish the requested assistance. The assistance shall be provided at no cost to the secretary of state.

(e) The secretary of state shall annually, on or before November 1, report to the legislative council about the progress of the Internet web site described in subsection (c). The report must be made:

(1) in an electronic format submitted in accordance with IC 5-14-6; and

(2) in person, if requested by the legislative council.
As added by P.L.260-1997(ss), SEC.38. Amended by P.L.177-2005, SEC.3; P.L.114-2011, SEC.1; P.L.146-2014, SEC.1.

IC 4-5-10-2
Fees
Sec. 2. The secretary of state may:
(1) establish; and
(2) modify;
at any time fees to provide electronic and enhanced access to information maintained by the secretary of state.
As added by P.L.260-1997(ss), SEC.38.

IC 4-5-10-3
Access to information through computer gateway
Sec. 3. Electronic and enhanced access to information shall be provided through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.
As added by P.L.260-1997(ss), SEC.38. Amended by P.L.177-2005, SEC.4.

IC 4-5-10-4
Applicability of IC 5-14-3 to records
Sec. 4. IC 5-14-3 shall apply to all records of a private party to an agreement with the secretary of state under this chapter which are directly related to the subject matter of the agreement.
As added by P.L.260-1997(ss), SEC.38.

IC 4-5-10-5
Electronic and enhanced access fund
Sec. 5. (a) The electronic and enhanced access fund is established to do the following:
(1) Improve and enhance the technology necessary and desirable to fulfill the duties of the secretary of state and state agencies as provided in section 1 of this chapter.
(2) Improve service to customers of the secretary of state and state agencies as provided in section 1 of this chapter.
(3) Provide the public electronic and other enhanced access to information maintained by:
(A) the secretary of state under IC 23 or IC 26; and
(B) the secretary of state and state agencies as provided in section 1 of this chapter.
(4) Allow the public to conduct business electronically with the secretary of state and state agencies as provided in section 1 of this chapter.
(5) Acquire and finance technology necessary or desirable to accomplish the purposes stated in subdivisions (1) through (4), including the purchase or lease of hardware, software, and other

appropriate goods and services.

The secretary of state may enter into one (1) or more agreements in furtherance of the purposes of this chapter.

(b) The fund consists solely of the following:

(1) Electronic and enhanced access fees established and collected by the secretary of state under section 2 of this chapter.

(2) Other money specifically provided to the fund by law.

Fees collected by the secretary of state under IC 23 or IC 26 may not be deposited into the fund.

(c) The secretary of state shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The secretary of state may use money in the fund to pay expenses related to the purposes of the fund as set forth in section 5 of the chapter, to make payments under any agreement authorized by subsection (a) or authorized by law and directly relating to the purpose of the fund, and monies in the fund are continuously appropriated for the purposes set forth in this chapter.

(g) Money in the fund not currently needed to meet the obligations of the fund may be invested by either of the following:

(1) The treasurer of state in the same manner as other public funds may be invested.

(2) A financial institution designated by trust agreement with the secretary of state.

Interest that accrues from investment of money in the fund shall be deposited into the fund.

As added by P.L.260-1997(ss), SEC.38. Amended by P.L.114-2011, SEC.2.

IC 4-6

ARTICLE 6. ATTORNEY GENERAL

IC 4-6-1

Chapter 1. The Attorney General

IC 4-6-1-1

Repealed

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

IC 4-6-1-2

Creation of office; election; time of taking office

Sec. 2. There is created the office of attorney general for the state to be administered by an attorney general who shall be elected under IC 3-10-2-6 by the voters of the state. The term of office of the attorney general is four (4) years, beginning on the second Monday in January after election and continuing until a successor is elected and qualified.

(Formerly: Acts 1941, c.109, s.2.) As amended by P.L.5-1986, SEC.11.

IC 4-6-1-3

Qualifications; oath; bond

Sec. 3. The attorney general shall be a citizen of and duly licensed to practice law in Indiana. Before entering upon the discharge of the duties of the attorney general's office, the attorney general shall take and subscribe an oath of office to be administered to the attorney general in the usual form by any officer authorized to administer oaths; which oath shall be deposited in the office of the secretary of state. The attorney general shall also, previous to entering upon the duties of the office, properly execute and file with the secretary of state the attorney general's bond in the penal sum of fifty thousand dollars ($50,000), payable to the state of Indiana, with surety to the approval of the secretary of state, and conditioned for the faithful discharge of the attorney general's duties as attorney general; the premium on the bond shall be payable from state funds to be appropriated.

(Formerly: Acts 1941, c.109, s.3.) As amended by P.L.215-2016, SEC.31.

IC 4-6-1-4

Deputies, assistants, clerks, and stenographers; appointment; oath

Sec. 4. The attorney general shall have deputies, assistants, clerks, and stenographers as the attorney general considers necessary to promptly and efficiently perform the duties of the attorney general's office, and which shall be selected and appointed by the attorney general; they shall take and subscribe an oath of office to be administered in the usual form by any officer authorized to

administer oaths, which shall be kept on file in the attorney general's office.
(Formerly: Acts 1941, c.109, s.4.) As amended by P.L.215-2016, SEC.32.

IC 4-6-1-5
Salaries; expenses; seal; administration of oaths; acknowledgments

Sec. 5. (a) The salaries of the deputies, assistants, clerks, and stenographers appointed by the attorney general are the reasonable amounts the attorney general may fix and determine, but not exceeding a total amount as will be appropriated therefor. In addition thereto, all expenses incident to the proper performance, including traveling expenses when engaged in the performance of their duties, shall be paid from public funds.

(b) The attorney general shall provide an official seal which shall imprint the words "Attorney General, State of Indiana". The attorney general and each of the attorney general's deputies and assistants are authorized to administer oaths and take acknowledgments throughout Indiana. Verifications need not be attested by the official seal. Any acknowledgment shall be attested by the official seal of the attorney general.
(Formerly: Acts 1941, c.109, s.5; Acts 1945, c.163, s.1.) As amended by P.L.3-1989, SEC.16.

IC 4-6-1-6
Rights, powers, and duties; consultation and advice to prosecuting attorneys; assisting in criminal prosecutions; representation of state

Sec. 6. All the rights, powers, and duties conferred by law upon the attorney general are conferred upon the attorney general created by this chapter; in addition thereto, the attorney general shall consult with and advise the several prosecuting attorneys of the state in relation to the duties of their office, and when, in the attorney general's judgment, the interest of the public requires it, the attorney general shall attend the trial of any party accused of an offense, and assist in the prosecution; and shall represent the state in any matter involving the rights or interests of the state, including actions in the name of the state, for which provision is not otherwise made by law.
(Formerly: Acts 1941, c.109, s.6.) As amended by Acts 1978, P.L.2, SEC.402; P.L.215-2016, SEC.33.

IC 4-6-2

Chapter 2. Powers and Duties

IC 4-6-2-1

Prosecuting and defending suits by or against state and state officers

Sec. 1. (a) The attorney general shall prosecute and defend all suits instituted by or against the state of Indiana, the prosecution and defense of which is not otherwise provided for by law, whenever the attorney general has been given ten (10) days' notice of the pendency of the suit by the clerk of the court in which the suit is pending, or whenever the governor or a majority of the officers of state require the attorney general in writing, with reasonable notice, to prosecute or defend a suit. The attorney general shall represent the state in all criminal cases in the Supreme Court, and shall defend all suits brought against the state officers in their official relations, except suits brought against them by the state; and the attorney general shall be required to attend to the interests of the state in all suits, actions, or claims in which the state is or may become interested in the Supreme Court of this state.

(b) The attorney general may not defend a member (as defined in IC 2-2.1-4-5) in an action for legislative bolting brought under IC 2-2.1-4.

(Formerly: Acts 1889, c.71, s.4; Acts 1921, c.85, s.2.) As amended by P.L.229-2011, SEC.43; P.L.215-2016, SEC.34.

IC 4-6-2-1.1

Concurrent jurisdiction with prosecuting attorney of certain actions

Sec. 1.1. The attorney general has concurrent jurisdiction with the prosecuting attorney in the prosecution of the following:

(1) Actions in which a person is accused of committing, while a member of an unlawful assembly as defined in IC 35-45-1-1, a homicide (IC 35-42-1).

(2) Actions in which a person is accused of assisting a criminal (IC 35-44.1-2-5), if the person alleged to have been assisted is a person described in subdivision (1).

(3) Actions in which a sheriff is accused of any offense that involves a failure to protect the life of a prisoner in the sheriff's custody.

(4) Actions in which a violation of IC 2-8.2-4-6 (concerning constitutional convention delegates) has occurred.

As added by Acts 1977, P.L.26, SEC.1. Amended by P.L.126-2012, SEC.6; P.L.182-2013, SEC.2; P.L.205-2013, SEC.54.

IC 4-6-2-1.3

Regulation of athlete agents

Sec. 1.3. The attorney general shall perform all functions, duties,

and responsibilities necessary to regulate athlete agents under IC 25-5.2.
As added by P.L.54-2001, SEC.1.

IC 4-6-2-1.5
Suits against state government officials or employees, teachers, or school corporations; defense by attorney general; letter summarizing teachers' rights

Sec. 1.5. (a) Whenever any state governmental official or employee, whether elected or appointed, is made a party to a suit, and the attorney general determines that said suit has arisen out of an act which such official or employee in good faith believed to be within the scope of the official's or employee's duties as prescribed by statute or duly adopted regulation, the attorney general shall defend such person throughout such action.

(b) Whenever a teacher (as defined in IC 20-18-2-22) is made a party to a civil suit, and the attorney general determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of the teacher's duties in enforcing discipline policies developed under IC 20-33-8-12, the attorney general shall defend the teacher throughout the action.

(c) Not later than July 30 of each year, the attorney general, in consultation with the Indiana education employment relations board established in IC 20-29-3-1, shall draft and disseminate a letter by first class mail to the residence of teachers providing a summary of the teacher's rights and protections under state and federal law, including a teacher's rights and protections relating to the teacher's performance evaluation under IC 20-28-11.5.

(d) The department of education, in consultation with the Indiana education employment relations board, shall develop a method to provide the attorney general with the names and addresses of active teachers in Indiana in order for the attorney general to disseminate the letter described in subsection (c). Names and addresses collected and provided to the attorney general under this subsection are confidential and excepted from public disclosure as provided in IC 5-14-3-4.

(e) Whenever a school corporation (as defined in IC 20-26-2-4) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under IC 20-30-5-0.5 or IC 20-30-5-4.5, the attorney general shall defend the school corporation throughout the action.

(f) A determination by the attorney general under subsection (a), (b), or (e) shall not be admitted as evidence in the trial of any such civil action for damages.

(g) Nothing in this chapter shall be construed to deprive any such person of the person's right to select counsel of the person's own choice at the person's own expense.
(Formerly: Acts 1971, P.L.21, SEC.1.) As amended by P.L.16-1990,

SEC.1; P.L.1-2005, SEC.56; P.L.78-2005, SEC.1; P.L.121-2009, SEC.1; P.L.239-2015, SEC.1; P.L.149-2016, SEC.9.

IC 4-6-2-2
Authority to prosecute or defend suits

Sec. 2. The attorney general shall not, in any case, be required to exhibit to any court the attorney general's authority for appearing in and conducting the prosecution or defense of any suit, unless the attorney general's authority be denied under oath, in which case the attorney general's commission shall be all the evidence required.
(Formerly: Acts 1889, c.71, s.5.) As amended by P.L.215-2016, SEC.35.

IC 4-6-2-3
Residence; office; presence in office during business hours

Sec. 3. The attorney general shall reside at Indianapolis, and the attorney general shall keep the attorney general's office in the statehouse; and the attorney general shall, on all business days, during business hours, be at the office, in person or by deputy, unless engaged in court or elsewhere in the service of the state.
(Formerly: Acts 1889, c.71, s.6.) As amended by P.L.215-2016, SEC.36.

IC 4-6-2-4
Opinions; records; accounts; pending cases

Sec. 4. It shall be the duty of the attorney general to keep a record of all opinions given by the attorney general to the governor, the general assembly, or to any of the state officers, and an accurate account of all money collected or received by the attorney general, in substantially bound books, and to pay over to the proper officer all money collected at the end of each month; and the attorney general shall also keep a record of all criminal cases pending in the Supreme Court, and of all civil cases in which it is the attorney general's duty to appear.
(Formerly: Acts 1889, c.71, s.7.) As amended by P.L.215-2016, SEC.37.

IC 4-6-2-5
Opinions

Sec. 5. The attorney general shall give the attorney general's legal opinion to the governor upon request, touching upon any question or point of law in which the interests of the state may be involved. The attorney general shall give the attorney general's opinion to any other state officer touching upon any question or point of law concerning the duties of the officer; and also, to either house of the general assembly or to any legislative agency created under action of the general assembly, on the constitutionality of any existing or proposed law, upon request by resolution of the house or legislative agency,

and the attorney general shall not be required to advise any other officer or person.
(Formerly: Acts 1889, c.71, s.8; Acts 1959, c.230, s.1.) As amended by P.L.215-2016, SEC.38.

IC 4-6-2-6
Collection of costs, licenses, money, fines, penalties, or forfeitures; escheats; reports of money due state

Sec. 6. (a) The attorney general shall ascertain the amounts paid to any person for court costs under IC 33-37, licenses, money unclaimed in estates or guardianships, fines, penalties, or forfeitures, or monies that escheat to the state under IC 29-1-2-1 or from any other source where the money is required to be paid to the state or to any officer in trust for the state. In all cases where an officer required to collect the money fails to do so after the cause of action in favor of the state has accrued, or fails to sue for and recover any property belonging to or which may escheat to the state, the attorney general shall institute all necessary proceedings to compel the payment of the money or recovery of the property. The payment to or collection by the attorney general of any of the funds does not render an officer liable to an action on the officer's bond by any other officer or person.

(b) The officers having the custody of the money shall report to the attorney general, upon oath or affirmation, all facts pertaining to it, upon the attorney general's demand, in person, by deputy or assistants, or in writing.

(c) An officer who fails to render the information upon demand commits a Class C infraction.
(Formerly: Acts 1889, c.71, s.9.) As amended by Acts 1977, P.L.2, SEC.3; Acts 1978, P.L.2, SEC.403; P.L.192-1986, SEC.2; P.L.305-1987, SEC.2; P.L.98-2004, SEC.46.

IC 4-6-2-7
Repealed

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

IC 4-6-2-8
Reports

Sec. 8. It shall be the duty of the attorney general to make a biennial report to the governor of the business and condition of the attorney general's office, and to make a report to the auditor of state at the end of each fiscal year of all collections made by the attorney general and the manner of disbursement.
(Formerly: Acts 1889, c.71, s.12.) As amended by P.L.215-2016, SEC.39.

IC 4-6-2-9
Reports of officers; money collected by attorney general

Sec. 9. (a) It shall be the duty of any officer or person from whom the attorney general, or any of the attorney general's deputies or assistants, shall collect or receive money due the state, to report at once to the auditor of state, on blanks to be furnished by the attorney general, the sum or sums received or collected.

(b) The auditor of state shall keep a record of the reports described in subsection (a).

(Formerly: Acts 1889, c.71, s.13.) As amended by P.L.215-2016, SEC.40.

IC 4-6-2-10
Law books

Sec. 10. Such law books as the Supreme Court in their judgment shall deem necessary for use in the attorney-general's office shall be purchased and paid for out of any money in the treasury not otherwise appropriated.

(Formerly: Acts 1889, c.71, s.14.)

IC 4-6-2-11
Compromise of claims

Sec. 11. No claim in favor of the state shall be compromised without the approval of the governor and attorney-general, and such officers are hereby empowered to make such compromise when, in their judgment, it is the interest of the state so to do.

(Formerly: Acts 1889, c.71, s.15.)

IC 4-6-2-12
Authority of the attorney general to investigate human trafficking

Sec. 12. (a) The attorney general has the same authority as a law enforcement agency (as defined in IC 35-47-15-2) to:

(1) access (as defined in IC 35-43-2-3); and

(2) maintain;

information regarding a violation of IC 35-42-3.5-1 (human trafficking).

(b) The attorney general may assist with the investigation and prosecution of an alleged violation of IC 35-42-3.5-1 (human trafficking). However, the attorney general does not have the power to arrest or criminally prosecute individuals for a violation of IC 35-42-3.5-1.

As added by P.L.162-2014, SEC.1.

IC 4-6-3

Chapter 3. Duties in Civil Actions

IC 4-6-3-1

Definitions

Sec. 1. As used in this chapter:

"Documentary material" means the original or a copy of a book, record, report, memorandum, paper, communication, tabulation, chart, or other document.

"Local agency" means an administration, agency, authority, board, bureau, commission, committee, council, department division, institution, office, officer, service, or other similar body of a political subdivision created or established pursuant to law.

"Person" means a human being, an incorporated or unincorporated organization, or association, a trustee or legal representative, the state of Indiana, a political subdivision, a state or local agency, or a group of such persons acting in concert.

"Political subdivision" means a county, township, city, town, municipal corporation as defined in IC 36-1-2-10, or a special taxing district.

"State agency" means an administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, officer, service, or other similar body of state government created or established pursuant to law.

(Formerly: Acts 1899, c.133, s.1.) As amended by Acts 1982, P.L.20, SEC.1.

IC 4-6-3-2

Direction of prosecutions brought in the name of the state

Sec. 2. (a) The attorney general shall have charge of and direct the prosecution of all civil actions that are brought in the name of the state of Indiana or any state agency.

(b) In no instance under this section shall the state or a state agency be required to file a bond.

(c) This section does not affect the authority of prosecuting attorneys to prosecute civil actions.

(d) This section does not affect the authority of the inspector general to prosecute a civil action under IC 4-2-7-6 for the recovery of any of the following:

(1) Funds misappropriated, diverted, missing, or unlawfully gained.

(2) A civil penalty imposed by the state ethics commission under IC 4-2-6-12.

(e) The attorney general may bring an action to collect unpaid registration fees owed by a commercial dog broker or a commercial dog breeder under IC 15-21.

As added by Acts 1982, P.L.20, SEC.2. Amended by P.L.222-2005, SEC.15; P.L.111-2009, SEC.1; P.L.126-2012, SEC.7; P.L.136-2012,

SEC.2.

IC 4-6-3-2.5
Contingency fee contracts

Sec. 2.5. (a) As used in this section, "agency" means a state agency or a body corporate and politic.

(b) An agency may not enter into a contingency fee contract with a private attorney unless the agency makes a written determination before entering into the contract that contingency fee representation is cost effective and in the public interest. The written determination must include the specific findings described in subsection (c).

(c) The written determination described in subsection (b) must include a consideration of the following factors:

(1) Whether the agency has sufficient and appropriate legal and financial resources to handle the matter.

(2) The time and labor required to conduct the litigation.

(3) The novelty, complexity, and difficulty of the questions involved in the litigation.

(4) The expertise and experience required to perform the attorney services properly.

(5) The geographic area where the attorney services are to be provided.

(d) If the agency makes the determination described in subsection (b), the attorney general shall request proposals from private attorneys wishing to provide services on a contingency fee basis, unless the agency determines in writing that requesting proposals is not feasible under the circumstances.

(e) After the agency has made the determination in subsection (b) and selected a private attorney, but before the agency and the attorney enter into a contract to provide services on a contingency fee basis, the inspector general shall make a determination in writing that entering into the contract would not violate the code of ethics or violate any statute or agency rule concerning conflict of interest. An agency may not enter into a contingency fee contract with a private attorney unless the inspector general has made a written determination under this subsection.

(f) A private attorney who enters into a contingency fee contract with the agency shall maintain detailed contemporaneous time records for the attorneys and paralegals working on the matter in increments of not greater than one-tenth (1/10) of an hour and shall, upon request, promptly provide these records to the attorney general.

(g) The agency may not enter into a contingency fee contract that provides for the private attorney to receive an aggregate contingency fee that exceeds the sum of the following:

(1) Twenty-five percent (25%) of any recovery that exceeds two million dollars ($2,000,000) and that is not more than ten million dollars ($10,000,000).

(2) Twenty percent (20%) of any part of a recovery of more

than ten million dollars ($10,000,000) and not more than fifteen million dollars ($15,000,000).

(3) Fifteen percent (15%) of any part of a recovery of more than fifteen million dollars ($15,000,000) and not more than twenty million dollars ($20,000,000).

(4) Ten percent (10%) of any part of a recovery of more than twenty million dollars ($20,000,000) and not more than twenty-five million dollars ($25,000,000).

(5) Five percent (5%) of any part of a recovery of more than twenty-five million dollars ($25,000,000).

An aggregate contingency fee may not exceed fifty million dollars ($50,000,000), excluding reasonable costs and expenses, regardless of the number of lawsuits filed or the number of private attorneys retained to achieve the recovery.

(h) Copies of any executed contingency fee contract, the inspector general's written determination, and the agency's written determination to enter into a contingency fee contract with the private attorney shall be provided to the attorney general and, unless the attorney general determines that disclosing the contingency fee contract while the action is pending is not in the best interests of the state, the contract shall be posted on the attorney general's web site for public inspection not later than five (5) business days after the date the contract is executed and must remain posted on the web site for the duration of the contingency fee contract, including any extensions to the original contract. Any payment of contingency fees shall be posted on the attorney general's web site not later than fifteen (15) days after the payment of the contingency fees to the private attorney, and must remain posted on the web site for at least one (1) year. If the attorney general determines that disclosing the contingency fee contract is not in the best interests of the state under this subsection, the contract shall be posted on the attorney general's web site not later than fifteen (15) days after the action is concluded.

(i) Every agency that has hired or employed a private attorney on a contingency fee basis in the calendar year shall submit a report describing the use of contingency fee contracts with private attorneys to the attorney general before October 1 of each year. The report must include the following:

(1) A description of all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year. The report must include, for each contract:

(A) the name of the private attorney with whom the department has contracted, including the name of the attorney's law firm;

(B) the nature and status of the legal matter;

(C) the name of the parties to the legal matter;

(D) the amount of any recovery; and

(E) the amount of any contingency fee paid.

(2) A copy of all written determinations made under this section during the year.

The attorney general shall compile the reports and submit a comprehensive report to the legislative council before November 1 of each year. The report must be in an electronic format under IC 5-14-6.

As added by P.L.101-2011, SEC.1.

IC 4-6-3-3

Investigative demand; issuance

Sec. 3. If the attorney general has reasonable cause to believe that a person may be in possession, custody, or control of documentary material, or may have knowledge of a fact that is relevant to an investigation conducted to determine if a person is or has been engaged in a violation of IC 4-6-9, IC 4-6-10, IC 13-14-10, IC 13-14-12, IC 13-24-2, IC 13-30-4, IC 13-30-5, IC 13-30-8, IC 23-7-8, IC 24-1-2, IC 24-5-0.5, IC 24-5-7, IC 24-5-8, IC 24-9, IC 25-1-7, IC 32-34-1, or any other statute enforced by the attorney general or is or has been engaged in a criminal violation of IC 13, only the attorney general may issue in writing, and cause to be served upon the person or the person's representative or agent, an investigative demand that requires that the person served do any combination of the following:

(1) Produce the documentary material for inspection and copying or reproduction.

(2) Answer under oath and in writing written interrogatories.

(3) Appear and testify under oath before the attorney general or the attorney general's duly authorized representative.

As added by Acts 1982, P.L.20, SEC.3. Amended by P.L.27-1983, SEC.1; P.L.12-1986, SEC.1; P.L.31-1995, SEC.1; P.L.1-1996, SEC.23; P.L.2-2002, SEC.24; P.L.73-2004, SEC.3; P.L.137-2007, SEC.1.

IC 4-6-3-4

Investigative demand; required provisions; sales of synthetic drugs

Sec. 4. An investigative demand shall contain the following:

(1) A general description of the subject matter being investigated and a statement of the applicable provisions of law.

(2) The date, time, and place at which the person is to appear, answer written interrogatories, or produce documentary material or other tangible items. The date shall not be less than ten (10) days from the date of service of the demand. However, the attorney general may demand and obtain immediate access to records and materials if access is necessary for purposes of investigating alleged violations relating to sales or solicited sales of a synthetic drug (as defined in IC 35-31.5-2-321) or a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5).

(3) Where the production of documents or other tangible items is required, a description of those documents or items by class with sufficient clarity so that they might be reasonably identified.

As added by Acts 1982, P.L.20, SEC.4. Amended by P.L.196-2013, SEC.1.

IC 4-6-3-5

Investigative demand; prohibited provisions

Sec. 5. An investigative demand may not:

(1) contain a requirement that would be unreasonable if contained in a subpoena or subpoena duces tecum issued by a court in a grand jury investigation; or

(2) require the giving of oral testimony, the production of written answers to interrogatories, or the production of documentary material that would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court in aid of a grand jury investigation.

As added by Acts 1982, P.L.20, SEC.5.

IC 4-6-3-6

Application to enforce investigative demand; procedure; contempt; order

Sec. 6. (a) If a person objects or otherwise fails to obey a written demand issued under section 3 of this chapter, the attorney general may file in the circuit or superior court of the county in which that person resides or maintains a principal place of business within the state an application for an order to enforce the demand. If the person does not reside or maintain a principal place of business in Indiana, the application for the order to enforce the demand may be filed in the Marion County circuit or superior court. Notice of hearing and a copy of the application shall be served upon that person, who may appear in opposition to the application. The attorney general must demonstrate to the court that the demand is proper. If the court finds that the demand is proper, it shall order that person to comply with the demand, subject to such modification as the court may prescribe.

(b) If a person fails or refuses to obey a final order entered under subsection (a) or an order imposing sanctions under section 6.5 of this chapter, the court may hold the person in contempt.

(c) Upon motion by that person and for good cause shown, the court may make any further order in the proceedings which justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, expense, or to protect privileged information, trade secrets or information which is confidential under any other provision of law. If the court finds that either party has acted in bad faith in seeking or resisting the demand, it may order that person to pay the other parties reasonable expenses including attorney's fees.

As added by Acts 1982, P.L.20, SEC.6. Amended by P.L.136-2007, SEC.1; P.L.65-2014, SEC.1.

IC 4-6-3-6.5
Sanctions for failure to comply with demand

Sec. 6.5. (a) This section applies only to a:

(1) foreign corporation that does business in Indiana;

(2) foreign limited liability company that does business in Indiana; and

(3) person who does not reside or maintain a principal place of business in Indiana.

(b) If a person listed in subsection (a) fails or refuses to comply with a written demand issued under section 3 of this chapter, the court may, upon the request of the attorney general or on the court's own initiative, impose one (1) or more of the following sanctions against the person:

(1) Granting injunctive relief to restrain the person from engaging in the:

(A) advertising or sale of any merchandise; or

(B) conducting of any trade or commerce;

if the alleged or suspected violation involves the merchandise, trade, or commerce.

(2) Revoking or suspending the certificate of authority of the person to do business in Indiana.

(3) Enjoining the person from doing business with or being a contractor for the state of Indiana.

(4) Revoking or suspending any other license, permit, or certificate issued under law to the person which is necessary to perform services or engage in transactions in the industry, field, or trade that the alleged or suspected violation under this chapter occurred.

(5) Granting other relief as may be required, until the person fully complies with the investigative demand.

As added by P.L.65-2014, SEC.2.

IC 4-6-3-7
Certain evidence; admissibility in criminal prosecutions

Sec. 7. Evidence obtained from a human person pursuant to the provisions of this chapter may not be introduced in a subsequent criminal prosecution of that person unless it was obtained by a means independent of this chapter.

As added by Acts 1982, P.L.20, SEC.7.

IC 4-6-3-8
Abridgment of limitations on self-incrimination prohibited

Sec. 8. This chapter shall not be construed to limit or abridge any limitation on self-incrimination established by law.

As added by Acts 1982, P.L.20, SEC.8.

IC 4-6-3-9
Materials obtained under investigative demand; confidentiality

Sec. 9. (a) All documentary material, answers to written interrogatories, and transcripts of oral testimony that are provided pursuant to an investigative demand shall be kept confidential by the attorney general until an action is filed against a person for the violation under investigation, unless:

(1) confidentiality is waived by the person being investigated and the person who has testified, answered interrogatories, or produced documentary material; or

(2) disclosure is made by the attorney general to another state or federal attorney general or law enforcement agency for the purposes of cooperation in law enforcement of state or federal laws.

(b) All documentary material, answers to written interrogatories, and transcripts of oral testimony that are provided to the attorney general pursuant to an investigative demand issued by another state or federal attorney general or law enforcement agency under similar authority shall be treated as if obtained pursuant to an investigative demand issued by the attorney general under section 3 of this chapter.

As added by Acts 1982, P.L.20, SEC.9. Amended by P.L.65-2014, SEC.3; P.L.5-2015, SEC.5.

IC 4-6-3-10
Documentary material; custody, use, and preservation

Sec. 10. The attorney general is responsible for the custody, use, and necessary preservation of the documentary material made available pursuant to an investigative demand and for its return as provided by this chapter.

As added by Acts 1982, P.L.20, SEC.10.

IC 4-6-3-11
Documentary material; return

Sec. 11. When original documentary material made available pursuant to an investigative demand is no longer required for use in a pending proceeding, or, absent any pending proceeding, is no longer required in connection with the investigation for which it was demanded, or at the end of the twenty-four (24) months following the date when the material was made available, whichever is sooner, it shall be returned, unless a request to extend the period beyond twenty-four (24) months has been filed in a court in which a request for an order compelling compliance pursuant to section 6 of this chapter be filed. This section does not require the return of documentary material that has passed into the control of a court or grand jury.

As added by Acts 1982, P.L.20, SEC.11.

IC 4-6-3-12
Repealed

(As added by P.L.17-1997, SEC.1. Repealed by P.L.190-2006, SEC.10.)

IC 4-6-4

Chapter 4. Service of Copies on Attorney General in Actions, Cross-Actions, and Proceedings Against State, State Agency, or Employee

IC 4-6-4-1

Actions against state, state agencies, and officers and employees; service of pleadings, motions, and court rulings; time requirement suspended until service; notice of trial date in probate proceedings

Sec. 1. Whenever any action, counter-claim, petition, or cross-complaint is filed in any court in this state in which the state of Indiana or any board, bureau, commission, department, division, agency, or officer or employee in the employee's capacity as an employee of the state of Indiana is a party and the attorney general is required or authorized to appear or defend, or when the attorney general is entitled to be heard, a copy of the complaint, cross-complaint, petition, bill, or pleading shall be served on the attorney general and the action, cross-action, or proceeding shall not be considered to be commenced as to the state or any board, bureau, commission, department, division, agency, or officer or employee in the employee's capacity as an employee of the state of Indiana until service. Whenever the attorney general has appeared in any suit, action, or proceeding, copies of all motions, demurrers, petitions, and pleadings filed shall be served upon the attorney general by the party filing the motion, demurrer, petition, or pleading. The clerk of the court shall cause to be served upon the attorney general a copy of the ruling made by the court upon the motions, demurrers, petitions, and pleadings, and the ruling shall not be considered effective in any manner as against the attorney general or as against the state of Indiana or any board, bureau, commission, department, division, agency, or officer or employee in the employee's capacity as an employee of the state of Indiana unless and until a copy shall be served upon the attorney general or any deputy attorney general as provided in section 2 of this chapter. In any action in which the attorney general is required or authorized to appear or defend or entitled to be heard, in which action some matter or thing occurs upon which occurrence time begins to run, the running of time shall be suspended as to the attorney general until service is had upon the attorney general or any deputy attorney general as provided in section 2 of this chapter. Whenever any claim filed for and on behalf of the state of Indiana or any board, bureau, commission, department, division, agency, officer, or institution of the state of Indiana in any estate or guardianship pending in any court having probate jurisdiction in the state of Indiana is not allowed and the clerk of the court, administrator, administratrix, executor, executrix, or guardian transfers the claim to the trial docket, the claim shall not be disposed of nor shall any disposition made of the claim be deemed to be a final adjudication unless and until due notice of the trial date of the

claim shall be served on the attorney general or any deputy attorney general as provided in section 2 of this chapter at least ten (10) days prior to the date set for trial of the claim.
(Formerly: Acts 1945, c.3, s.1; Acts 1947, c.196, s.1; Acts 1965, c.374, s.1.) As amended by P.L.5-1984, SEC.18; P.L.215-2016, SEC.41.

IC 4-6-4-2
Method of service

Sec. 2. Whenever service on the attorney general is required by this chapter, such service may be made by handing it to the attorney general or any deputy attorney general or by mailing the same to the attorney general by registered mail return receipt requested.
(Formerly: Acts 1945, c.3, s.2.) As amended by P.L.5-1984, SEC.19.

IC 4-6-4-3
Service of summons or process

Sec. 3. This chapter shall in no way affect or apply to the service of summons or process as provided by law but the requirements in this chapter are in addition thereto.
(Formerly: Acts 1945, c.3, s.3.) As amended by P.L.5-1984, SEC.20.

IC 4-6-5

Chapter 5. Deputies–Employment of Counsel by State Agencies Forbidden Without Consent of Attorney General

IC 4-6-5-1

Power to appoint and assign deputy attorneys general; removal from office

Sec. 1. The attorney-general of the state of Indiana shall have the sole right and power to appoint all necessary deputy attorneys-general, and to assign any deputy so appointed to any agency of the state of Indiana to perform in behalf of such agency and the state any and all of the rights, powers or duties now or hereafter conferred by law or laws upon the attorney-general, or done by any attorney, counsellor, or deputy attorney-general for such agency. The attorney-general shall have the power and authority to remove any deputy at any time.

(Formerly: Acts 1943, c.70, s.1.)

IC 4-6-5-2

Qualifications; oath; direction and control

Sec. 2. No more deputies shall be appointed and assigned to any agency than may be required by the work of such assignment, nor shall any deputy be appointed who is not a competent attorney. Each deputy shall take and subscribe an oath of office to be administered in the usual form by an officer authorized to administer oaths, which oath shall be kept on file with the attorney-general. It shall be the duty of the attorney-general and such deputy to co-operate and advise with such agency concerning the duties and legal work to be performed, but such deputy shall be under the direction and control of the attorney-general.

(Formerly: Acts 1943, c.70, s.2.)

IC 4-6-5-3

Written consent; employment of attorneys or special general counsel

Sec. 3. (a) No agency, except as provided in this chapter, shall have any right to name, appoint, employ, or hire any attorney or special or general counsel to represent it or perform any legal service in behalf of the agency and the state without the written consent of the attorney general.

(b) An attorney employed by an agency is subject to IC 34-46-3-1 and Trial Rule 26(B) of the Indiana Rules of Trial Procedure, commonly referred to as the attorney-client and work product privileges, if the requirements to assert the protection and privilege have been satisfied.

(Formerly: Acts 1943, c.70, s.3.) As amended by P.L.5-1984, SEC.21; P.L.242-2015, SEC.1.

IC 4-6-5-4
Repealed
(Repealed by Acts 1977, P.L.27, SEC.5.)

IC 4-6-5-5
Repealed
(Repealed by Acts 1977, P.L.27, SEC.5.)

IC 4-6-5-6
Definitions; exemptions from act

Sec. 6. (a) The term "competent attorney", as used in this chapter, means a citizen of this state who has been duly licensed to practice law therein.

(b) The term "agency", whenever used in this chapter, means and includes any board, bureau, commission, department, agency, or instrumentality of the state of Indiana; provided, however, this chapter shall not be construed to apply where:

(1) An appointee has by law duties of a quasi-judicial nature.

(2) Counsel by law is required to represent the public, as distinguished from the state of Indiana, or its agencies.

(3) A substantial part of the duties is in collecting and maintaining statistical information and a legislative reference library.

(4) A constitutional officer of the state is by law made a board, bureau, commission, department, agency, or instrumentality of the state of Indiana.

(Formerly: Acts 1943, c.70, s.6; Acts 1965, c.293, s.1.) As amended by P.L.5-1984, SEC.22.

IC 4-6-6

Chapter 6. Special Deputies for Recovery of Public Funds

IC 4-6-6-1

Appointment

Sec. 1. The attorney general of Indiana is hereby authorized to appoint and employ special deputies attorney general to assist in the conduct and prosecution of any civil proceedings which the attorney general is required to bring for the purpose of recovering any public funds in behalf of any city, town, township, county, or other governmental unit or public entity of the state under and pursuant to IC 5-11-5, IC 5-11-6, IC 5-11-7, or any other statute enacted on or after March 11, 1955, authorizing or requiring the attorney general to bring any such civil proceedings for the recovery of any such public funds.

(Formerly: Acts 1955, c.284, s.1.) As amended by P.L.5-1984, SEC.23.

IC 4-6-6-2

Qualifications; oath

Sec. 2. All special deputies attorney general appointed and employed under the provisions of this chapter shall be "competent attorneys" as defined in IC 4-6-5. Each such special deputy attorney general shall take and subscribe an oath of office to be administered in the usual form by an officer authorized to administer oaths, which oath shall be kept on file with the attorney general.

(Formerly: Acts 1955, c.284, s.2.) As amended by P.L.5-1984, SEC.24.

IC 4-6-6-3

Compensation

Sec. 3. Whenever any special deputy attorney general shall be appointed and employed under the provisions of this chapter, the compensation to be paid such special deputy attorney general shall be fixed by the attorney general of Indiana subject to the approval of the judge of the court in which such special deputy shall bring any action for the recovery of public funds, in an amount commensurate to the prevailing standard of attorneys' fees in the community or area in which such special deputy attorney general regularly engages in the practice of law. Said compensation shall be sufficient to enable any such special deputy attorney general to devote whatever time and facilities as may be necessary to investigate and prosecute any such civil proceedings to a final conclusion, including an appeal to the Indiana supreme court or court of appeals.

(Formerly: Acts 1955, c.284, s.3.) As amended by P.L.5-1984, SEC.25.

IC 4-6-6-4

Compensation; payment from recoveries or disbursing officers

Sec. 4. The compensation of any special deputy attorney general shall be payable from the amount recovered for the benefit of any city, town, township, county, or other governmental unit or public entity of the state as a result of the successful prosecution of any civil proceedings in which any special deputy attorney general has been appointed and employed, and the attorney general of Indiana is authorized to pay compensation to any special deputy attorney general from the amount and to remit the balance to the governmental unit or public entity on behalf of which the amount has been recovered. In the event any civil proceedings are unsuccessful and, upon prosecution to final conclusion, do not result in the recovery of any funds, compensation shall be payable from the funds of the governmental unit or public entity on behalf of which any civil proceedings may have been brought, and the disbursing officers of any and all governmental units or public entities of the state are authorized and directed to make payment in full of any compensation to any special duty attorney general, without an appropriation being made upon certification of the attorney general and the judge of the court in which the action was brought to any disbursing officer of the amount due any special deputy attorney general for the special deputy attorney general's services in connection with the conduct and prosecution of any civil proceedings.

(Formerly: Acts 1955, c.284, s.4.) As amended by P.L.215-2016, SEC.42.

IC 4-6-6-5

Demand for return and repayment of funds before appointment

Sec. 5. No special deputy attorney general shall be appointed or employed under the provisions of this chapter for the purpose of recovering any particular public funds unless and until the attorney general of Indiana shall have made demand for the return or repayment of such funds from the person or persons, and their sureties if any, who are liable for the return or repayment of such funds and such demand has been refused or remains unsatisfied for a period of thirty (30) days.

(Formerly: Acts 1955, c.284, s.5.) As amended by P.L.5-1984, SEC.26.

IC 4-6-7

Chapter 7. Assistants in Washington, D.C.

IC 4-6-7-1

Number of assistants

Sec. 1. The attorney general is authorized to employ one (1) or more assistants, residing in the city of Washington, District of Columbia, to assist the attorney general in the presentation and prosecution of claims of the state against the United States, pertaining to swamplands, or swampland indemnity, as the attorney general may think necessary.

(Formerly: Acts 1905, c.75, s.1.) As amended by P.L.215-2016, SEC.43.

IC 4-6-7-2

Duration of employment

Sec. 2. The attorney-general shall have power to limit the duration of such employment, and, if not otherwise expressed in the contract of employment, the same shall cease with the term of the attorney-general making such employment.

(Formerly: Acts 1905, c.75, s.2.)

IC 4-6-7-3

Compensation

Sec. 3. As compensation and for all their costs and expenses, the assistant or assistants shall receive a sum equal to not more than twenty-five percent (25%) of the money recovered and turned over to the state, to be fixed in the contract of employment. The state shall not be liable to the assistant or assistants for any other sum, either for compensation or costs. In case money recovered is paid into the state treasury without the percent having been first deducted, the auditor of state shall issue the auditor of state's warrant, upon a voucher approved by the attorney general, for a sum equal to not more than twenty-five percent (25%) of the money recovered and paid in; and there is appropriated out of the funds of the treasury not otherwise appropriated sums as may be necessary for this purpose.

(Formerly: Acts 1905, c.75, s.3.) As amended by P.L.215-2016, SEC.44.

IC 4-6-8

Chapter 8. Duty to Study Federal Legislation and Authority to Join Organizations

IC 4-6-8-1

Preservation of state government during war; reports

Sec. 1. In order to maintain full co-operation in the war effort in all fields of proper state activity and to secure concerted action among the states to preserve the operations of state functions of government, it shall be the duty of the attorney general to study existing and proposed federal legislation and to cooperate with the attorneys general of other cooperating states in studies to determine the effect of legislation upon the normal field of state functions and powers, and to report to Indiana's governor, senators, and representatives in congress the results of the studies in all instances where the attorney general considers the action appropriate, or where, in the attorney general's opinion, any legislation affects, or would affect, if enacted into law, the normal field of state functions and powers.

(Formerly: Acts 1943, c.229, s.1.) As amended by P.L.215-2016, SEC.45.

IC 4-6-8-2

Reports; senators or representatives in congress

Sec. 2. The attorney general shall also make any reasonable or appropriate investigation or study of any existing or proposed federal legislation whenever the attorney general is specifically requested so to do by any of Indiana's senators or representatives in congress and report the result of the investigation or study as requested.

(Formerly: Acts 1943, c.229, s.2.) As amended by P.L.215-2016, SEC.46.

IC 4-6-8-3

Deputy or assistant attorney general; appointment

Sec. 3. The attorney general shall designate or appoint a deputy or an assistant attorney general to assist in the performance of the duties imposed by this chapter.

(Formerly: Acts 1943, c.229, s.3.) As amended by P.L.5-1984, SEC.27.

IC 4-6-8-4

Membership in attorneys general organizations; utilizing services of council of state governments

Sec. 4. The attorney general and the attorney general's deputy or assistant is authorized to become a member of an organization existing on November 3, 1943, or formed after November 3, 1943, consisting of the attorneys general of similarly cooperating states and their deputies and assistants and, through the organization, is further

authorized to use the services of the Council of State Governments in any manner deemed appropriate to effect the purposes of this chapter.

(Formerly: Acts 1943, c.229, s.4.) As amended by P.L.5-1984, SEC.28; P.L.215-2016, SEC.47.

IC 4-6-9

Chapter 9. Consumer Protection Division

IC 4-6-9-1

Creation

Sec. 1. (Division) There is created in the office of the Attorney General a division of consumer protection, hereinafter referred to as the "division."

(Formerly: Acts 1971, P.L.22, SEC.1.)

IC 4-6-9-2

Director of division

Sec. 2. (Division: Director) The Attorney General shall appoint a director of the division at a salary to be approved by the State Budget Agency.

(Formerly: Acts 1971, P.L.22, SEC.1.)

IC 4-6-9-3

Staff; student work-study programs

Sec. 3. (Division: Staff) The Attorney General shall furnish such staff assistance to the division as is necessary to promptly discharge its duties, and the division may participate in student work-study programs.

(Formerly: Acts 1971, P.L.22, SEC.1.)

IC 4-6-9-4

Powers and duties; telephone sales solicitation information

Sec. 4. (a) The division has the following powers and duties:

(1) The power to investigate any written consumer complaint made by a nonmerchant arising from a transaction between a merchant as defined in the Uniform Commercial Code and a nonmerchant concerning sales, leases, assignments, awards by chance, or other dispositions of goods, services, or repairs, and intangibles to a person for purposes that are primarily personal, familial, household, charitable, or agricultural, or a solicitation to supply any of the above things. When a consumer trades in or sells a motor vehicle to another consumer or nonconsumer, the consumer shall be considered to be a nonconsumer and shall be subject to the provisions of this chapter. The division shall have no jurisdiction over matters concerning utilities subject to regulation by the utility regulatory commission or by an agency of the United States except that the provisions of subdivision (5) shall apply and except as provided in IC 8-1-29.

(2) For complaints filed after August 31, 1984, the duty to ascertain from the consumer whether the consumer consents to public disclosure by the division of the filing of the complaint, including the consumer's identity and telephone number, if any.

(3) The duty to notify the merchant of the nature of the

complaint by written communication and request a written reply.

(4) Upon receipt of reply, the duty to act as mediator between the parties and attempt to resolve all complaints in a conciliatory manner. The director of the division and the attorney general have discretion whether to mediate complaints involving a de minimis amount of money.

(5) If no reply is received or if the parties are unable to resolve their differences, and no violation of federal or state statute or rule is indicated, the duty to provide the complainant with a copy of all correspondence relating to the matter.

(6) Whenever a violation of a state or federal law or administrative rule is indicated, the duty to forward to the appropriate state or federal agency a copy of the correspondence and request that the agency further investigate the complaint and report to the division upon the disposition of the complaint.

(7) The power to initiate and prosecute civil actions on behalf of the state whenever an agency to which a complaint has been forwarded fails to act upon the complaint within ten (10) working days after its referral, or whenever no state agency has jurisdiction over the subject matter of the complaint.

(b) All complaints and correspondence in the possession of the division under this chapter are confidential unless disclosure of a complaint or correspondence is:

(1) requested by the person who filed the complaint;

(2) consented to, in whole or in part, after August 31, 1984, by the person who filed the complaint;

(3) in furtherance of an investigation by a law enforcement agency; or

(4) necessary for the filing of an action by the attorney general under IC 24-5-0.5.

(c) Notwithstanding subsection (b), the division may publicly disclose information relating to the status of complaints under subsection (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7).

(d) Except for a residential telephone number published in the most recent quarterly telephone sales solicitation listing by the division under IC 24-4.7-3 and except as provided in subsection (e), all consumer information provided for the purposes of registering for or maintaining the no telephone sales solicitation listing is confidential.

(e) The name, address, and telephone number of a registrant of the most recent quarterly no telephone sales solicitation listing may be released for journalistic purposes if the registrant consents to the release of information after June 30, 2007.

(Formerly: Acts 1971, P.L.22, SEC.1.) As amended by P.L.12-1984, SEC.1; P.L.17-1985, SEC.2; P.L.23-1988, SEC.1; P.L.18-1997, SEC.1; P.L.92-1998, SEC.1; P.L.49-2003, SEC.1; P.L.136-2007,

SEC.2; P.L.215-2016, SEC.48.

IC 4-6-9-5
Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 4-6-9-6
Legislative recommendations

Sec. 6. The division shall make legislative recommendations to the legislative council for transmittal to the general assembly. The recommendations must be in an electronic format under IC 5-14-6.
(Formerly: Acts 1971, P.L.22, SEC.1.) As amended by P.L.28-2004, SEC.30.

IC 4-6-9-7
Educational program; deceptive sales practices; federal funds

Sec. 7. (Consumer Educational Programs) The division shall initiate and maintain an educational program to inform consumers of deceptive sales practices and shall be designated by the Governor as the state agency for the receipt and administration of federal funds for the purposes of consumer protection activity.
(Formerly: Acts 1971, P.L.22, SEC.1.)

IC 4-6-9-7.5
Educational program; breach of the security of data; prevention and mitigation

Sec. 7.5. The division may initiate and maintain an educational program to inform consumers of:

(1) risks involved in a breach of the security of data; and

(2) steps that the victim of a security breach should take to prevent and mitigate the damage from the security breach.

As added by P.L.136-2008, SEC.1. Amended by P.L.137-2009, SEC.1.

IC 4-6-9-8
Adoption of rules; review

Sec. 8. (a) The division may adopt rules under IC 4-22-2 relating to statutes enforced by the division.

(b) A member of the division's staff who actively participates in the adoption of a rule under this section may not conduct the review of that rule required by IC 4-22-2-32.
As added by P.L.24-1989, SEC.1.

IC 4-6-9.1

Chapter 9.1. Price Gouging in Declared Emergencies

IC 4-6-9.1-1

Period for which emergency declared

Sec. 1. (a) Sections 1 through 7 of this chapter apply to the period during which an emergency is declared and the twenty-four (24) hours before the declaration by the governor under IC 10-14-3-12 or IC 10-14-3-13.

(b) The definitions in IC 10-14-3 apply to this chapter.

As added by P.L.124-2002, SEC.1. Amended by P.L.2-2003, SEC.11.

IC 4-6-9.1-2

"Price gouging" defined

Sec. 2. For purposes of this chapter, "price gouging" means charging a consumer an unconscionable amount for the sale of fuel. Price gouging occurs if:

(1) the amount charged grossly exceeds the average price at which fuel was readily obtainable within the retailer's trade area during the seven (7) days immediately before the declaration of emergency; and

(2) the increase in the amount charged is not attributable to cost factors to the retailer, including replacement costs, taxes, and transportation costs incurred by the retailer.

As added by P.L.124-2002, SEC.1.

IC 4-6-9.1-3

Powers and duties of attorney general

Sec. 3. The attorney general has the following powers and duties regarding price gouging:

(1) To investigate complaints received claiming price gouging.

(2) To seek injunctive relief as appropriate.

(3) To seek restitution for victims of price gouging.

(4) To institute an action to levy and collect a civil penalty.

As added by P.L.124-2002, SEC.1.

IC 4-6-9.1-4

Use of information obtained in investigation

Sec. 4. (a) Information obtained during the attorney general's investigation under this chapter, including information from a person who responds to the investigation and designates the information as confidential, must be maintained as confidential until the investigation is completed by the attorney general and a course of action is determined. The attorney general may not make known in any manner any information obtained in the course of the investigation to persons other than those specified in subsection (c). Once the investigation is completed, if there is an agreed upon settlement or if charges are filed, the information becomes public.

(b) The attorney general shall make available to the public, upon request, aggregate information concerning complaints of price gouging. The aggregate data may not identify particular persons or locations under investigation.

(c) For purposes of this section, references to the attorney general include other individuals designated in writing and acting on behalf of the attorney general during the investigation. A person designated shall preserve the confidentiality of information under subsection (a).

(d) A person who is served with a request for information, a subpoena to give testimony orally or in writing, or a request or order to produce books, papers, correspondence, memoranda, agreements, or other documents or records under this chapter may apply to any court for protection against abuse or hardship.

As added by P.L.124-2002, SEC.1.

IC 4-6-9.1-5

Action brought by attorney general

Sec. 5. If an investigation by the attorney general results in a finding of price gouging, the attorney general may bring an action in a circuit or superior court with jurisdiction in the county where the price gouging allegedly occurred. If the court finds that the retailer engaged in price gouging, the court may assess a civil penalty against the retailer. The civil penalty may not be more than one thousand dollars ($1,000) per transaction.

As added by P.L.124-2002, SEC.1.

IC 4-6-9.1-6

Civil penalties

Sec. 6. Civil penalties collected under section 5 of this chapter must be deposited in the state general fund.

As added by P.L.124-2002, SEC.1. Amended by P.L.6-2012, SEC.11.

IC 4-6-9.1-7

Preemption of local government powers in price gouging emergencies

Sec. 7. This chapter preempts the power of local governments to regulate pricing of commodities under a declaration of emergency:

(1) under IC 10-14-3-12;

(2) under IC 10-14-3-13; or

(3) by a local government.

As added by P.L.124-2002, SEC.1. Amended by P.L.2-2003, SEC.12.

IC 4-6-10

Chapter 10. State Medicaid Fraud Control Unit

IC 4-6-10-1

Establishment; certification

Sec. 1. The attorney general shall:

(1) establish a state medicaid fraud control unit that meets the standards prescribed by 42 U.S.C. 1396b(q); and

(2) apply to the secretary of the federal Department of Health and Human Services for certification of the unit under 42 U.S.C. 1396b(q).

As added by Acts 1982, P.L.21, SEC.1.

IC 4-6-10-1.5

Authority to investigate

Sec. 1.5. The state Medicaid fraud control unit has the authority to:

(1) investigate, in accordance with federal law (42 U.S.C. 1396 et seq.):

(A) Medicaid fraud;

(B) misappropriation of a Medicaid patient's private funds;

(C) abuse of Medicaid patients; and

(D) neglect of Medicaid patients; and

(2) investigate, in accordance with federal law (42 U.S.C. 1396 et seq.) and as allowed under 42 U.S.C. 1396b(q)(4)(A)(ii), abuse or neglect of patients in board and care facilities.

As added by P.L.73-2003, SEC.1.

IC 4-6-10-2

Employment of qualified individuals

Sec. 2. The attorney general shall hire qualified individuals to carry out the responsibilities of the state medicaid fraud control unit, subject to the state budget agency's approval under IC 4-12-1-13.

As added by Acts 1982, P.L.21, SEC.1.

IC 4-6-10-3

Subpoena of witnesses and records

Sec. 3. The attorney general and an investigator of the Medicaid fraud control unit, when engaged in:

(1) an investigation of an alleged offense under section 1.5 of this chapter; or

(2) the prosecution of an alleged offense that has been referred to the attorney general under IC 12-15-23-6;

may issue, serve, and apply to a court to enforce, a subpoena for a witness to appear before the attorney general in person to produce books, papers, or other records, including records stored in electronic data processing systems, for inspection and examination.

As added by P.L.10-1994, SEC.1. Amended by P.L.73-2003, SEC.2.

IC 4-6-11
Repealed
(Repealed by P.L.340-1995, SEC.106.)

IC 4-6-12

Chapter 12. Homeowner Protection Unit

IC 4-6-12-1

Establishment of unit

Sec. 1. As used in this chapter, "unit" refers to the homeowner protection unit established under this chapter.

As added by P.L.73-2004, SEC.4.

IC 4-6-12-2

Purposes

Sec. 2. The attorney general shall establish a homeowner protection unit to enforce IC 24-9, to operate the tax sale blight registry, and to carry out this chapter.

As added by P.L.73-2004, SEC.4. Amended by P.L.66-2014, SEC.1.

IC 4-6-12-3

Duties

Sec. 3. (a) The unit shall do the following:

(1) Investigate deceptive acts in connection with mortgage lending.

(2) Investigate violations of IC 24-9.

(3) Institute appropriate administrative and civil actions to redress:

(A) deceptive acts in connection with mortgage lending; and

(B) violations of IC 24-5-0.5 and IC 24-9.

(4) Cooperate with federal, state, and local law enforcement agencies in the investigation of the following:

(A) Deceptive acts in connection with mortgage lending.

(B) Criminal violations involving deceptive acts in connection with mortgage lending.

(C) Violations of IC 24-5-0.5 and IC 24-9.

(D) Violations of:

(i) the federal Truth in Lending Act (15 U.S.C. 1601 et seq.);

(ii) the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.); and

(iii) any other federal laws or regulations concerning mortgage lending.

To the extent authorized by federal law, the unit may enforce compliance with the federal statutes or regulations described in this clause or refer suspected violations of the statutes or regulations to the appropriate federal regulatory agencies.

(5) Enforce violations of IC 32-25.5-3 by homeowners associations.

(6) Beginning July 1, 2015, operate and maintain the tax sale blight registry established by section 3.6 of this chapter.

(b) The attorney general shall adopt rules under IC 4-22-2 to the

extent necessary to organize the unit.
As added by P.L.73-2004, SEC.4. Amended by P.L.230-2007, SEC.1; P.L.231-2013, SEC.1; P.L.66-2014, SEC.2.

IC 4-6-12-3.5
"Residential real estate transaction"; unit to establish or designate toll free telephone number; staffing; sharing of information; uniform procedures; publicizing number

Sec. 3.5. (a) As used in this chapter, "residential real estate transaction" includes:

(1) mortgage lending practices;
(2) real estate appraisals; and
(3) other practices;

performed or undertaken in connection with a single family residential mortgage transaction or the refinancing of a single family residential mortgage transaction.

(b) Not later than July 1, 2008, the unit shall:

(1) establish a new toll free telephone number; or
(2) designate an existing toll free telephone number operated or sponsored by the office of the attorney general;

to receive calls from persons having information about suspected fraudulent residential real estate transactions.

(c) The toll free telephone number required by this section shall be staffed by:

(1) employees or investigators of the unit who have knowledge of the laws concerning residential real estate transactions;
(2) representatives of any of the entities described in section 4(a)(8) through 4(a)(10) of this chapter who have knowledge of the laws concerning residential real estate transactions; or
(3) a combination of persons described in subdivisions (1) and (2).

The attorney general shall designate persons to staff the toll free telephone number as required by this subsection.

(d) Unless otherwise prohibited by law, the unit shall ensure that information received from callers to the toll free telephone number is shared with any entity described in section 4 of this chapter that has jurisdiction over the matter not later than fifteen (15) business days after the date the unit determines the appropriate entity to which the information should be referred. The unit shall establish uniform procedures for:

(1) responding to calls received;
(2) protecting:
    (A) the anonymity of callers who wish to report information anonymously; or
    (B) the identity of callers who request that their identity not be disclosed;
(3) documenting and verifying information reported by callers; and

(4) transmitting reported information to the appropriate entities described in section 4 of this chapter within the time required by this subsection.

(e) The unit shall publicize the availability of the toll free telephone number established or designated under this section in a manner reasonably designed to reach members of the public.

As added by P.L.145-2008, SEC.1. Amended by P.L.1-2009, SEC.8.

IC 4-6-12-3.6

Tax sale blight registry

Sec. 3.6. (a) Beginning July 1, 2015, the unit shall establish a registry of persons described in IC 6-1.1-24-5.3 who are prohibited from purchasing certain properties at a tax sale.

(b) The registry described in subsection (a) is named the tax sale blight registry.

(c) The tax sale blight registry:

(1) shall be made available in an electronic format or over the Internet to county officials responsible for conducting tax sales to ensure that persons not permitted to participate in the tax sale are excluded; and

(2) may be made available to the public in a form to be determined by the attorney general; however, confidential information, if any, must be excluded.

(d) Notwithstanding subsection (c)(2), information contained in the tax sale blight registry that is not otherwise confidential is a public record for purposes of IC 5-14-3.

As added by P.L.66-2014, SEC.3.

IC 4-6-12-4

Interagency cooperation

Sec. 4. (a) The following may cooperate with the unit to implement this chapter:

(1) The Indiana professional licensing agency and the appropriate licensing boards with respect to persons licensed under IC 25.

(2) The department of financial institutions.

(3) The department of insurance with respect to the sale of insurance in connection with mortgage lending.

(4) The securities division of the office of the secretary of state.

(5) The supreme court disciplinary commission with respect to attorney misconduct.

(6) The Indiana housing and community development authority.

(7) The department of state revenue.

(8) The state police department.

(9) A prosecuting attorney.

(10) Local law enforcement agencies.

(11) The lieutenant governor.

(12) The county auditor.

(13) The county treasurer.
(14) The county recorder.

(b) Notwithstanding IC 5-14-3, the entities listed in subsection (a) may share information with the unit.

As added by P.L.73-2004, SEC.4. Amended by P.L.1-2006, SEC.59; P.L.181-2006, SEC.13; P.L.1-2007, SEC.14; P.L.66-2014, SEC.4.

IC 4-6-12-5
Filing complaints with other entities

Sec. 5. The attorney general may file complaints with any of the entities listed in section 4 of this chapter to carry out this chapter and IC 24-9.

As added by P.L.73-2004, SEC.4.

IC 4-6-12-6
Jurisdiction of other entities not limited

Sec. 6. The establishment of the unit and the unit's powers does not limit the jurisdiction of an entity described in section 4 of this chapter.

As added by P.L.73-2004, SEC.4.

IC 4-6-12-7
Investigations; issuance of subpoenas; application to courts

Sec. 7. The attorney general and an investigator of the unit may do any of the following when conducting an investigation under section 3 of this chapter:

(1) Issue and serve a subpoena for the production of records, including records stored in electronic data processing systems, for inspection by the attorney general or the investigator.
(2) Issue and serve a subpoena for the appearance of a person to provide testimony under oath.
(3) Apply to a court with jurisdiction to enforce a subpoena described in subdivision (1) or (2).

As added by P.L.73-2004, SEC.4.

IC 4-6-12-8
Home ownership education programs

Sec. 8. The unit shall cooperate with the Indiana housing and community development authority in the development and implementation of the home ownership education programs established under IC 5-20-1-4(d).

As added by P.L.73-2004, SEC.4. Amended by P.L.235-2005, SEC.51; P.L.181-2006, SEC.14; P.L.145-2008, SEC.2.

IC 4-6-12-9
Homeowner protection unit account

Sec. 9. (a) The homeowner protection unit account within the general fund is established to support the operations of the unit. The

account is administered by the attorney general.

(b) The homeowner protection unit account consists of fees collected under IC 24-9-9.

(c) The expenses of administering the homeowner protection unit account shall be paid from money in the account.

(d) The treasurer of state shall invest the money in the homeowner protection unit account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(e) Money in the homeowner protection unit account at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.73-2004, SEC.4. Amended by P.L.64-2007, SEC.1.

IC 4-6-12-10

Annual report to legislative council

Sec. 10. (a) Beginning in 2008, the unit shall, after June 30 and before November 1 of each year, report to the legislative council on the following:

(1) The unit's budget for the most recent state fiscal year.

(2) The unit's actual income and expenses during the most recent state fiscal year.

(3) The projected budget required by the unit to carry out its duties under this chapter during the current state fiscal year.

(4) The unit's staffing during the most recent fiscal year, including information on:

(A) the number of employees employed by the unit and a description of their responsibilities; and

(B) any vacant positions.

(5) The unit's projected staffing needs during the current state fiscal year.

(6) The number and types of complaints received by the unit, including a description of:

(A) the number of complaints resolved; and

(B) the number of complaints outstanding.

(7) Any recommendations for legislation needed to address mortgage lending or deceptive acts in connection with mortgage lending.

(b) A report to the legislative council under this section must be in an electronic format under IC 5-14-6.

As added by P.L.230-2007, SEC.2.

IC 4-6-13

Chapter 13. Identity Theft Unit

IC 4-6-13-1

"Unit"

Sec. 1. As used in this chapter, "unit" refers to the identity theft unit established under section 2 of this chapter.

As added by P.L.137-2009, SEC.2.

IC 4-6-13-2

Identity theft unit; purpose

Sec. 2. The attorney general shall establish an identity theft unit to assist prosecuting attorneys in enforcing identity deception (IC 35-43-5-3.5) and related criminal statutes and to carry out this chapter.

As added by P.L.137-2009, SEC.2.

IC 4-6-13-3

Duties of identity theft unit

Sec. 3. (a) The unit shall do the following:

(1) Investigate consumer complaints regarding identity theft, identity deception, fraud, deception, and related matters.

(2) Assist victims of identity theft, identity deception, fraud, deception, and related crimes in obtaining refunds in relation to fraudulent or authorized charges or debits, canceling fraudulent accounts, correcting false information in consumer reports caused by identity deception, correcting false information in personnel files and court records, and related matters.

(3) Cooperate with federal, state, and local law enforcement agencies in the investigation of identity theft, identity deception, fraud, deception, violations of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), and related crimes. To the extent authorized by federal law, the unit may enforce compliance with the federal statutes or regulations described in this subdivision or refer suspected violations of the statutes or regulations to the appropriate federal regulatory agencies.

(4) Assist state and federal prosecutors in the investigation and prosecution of identity theft, identity deception, fraud, deception, and related crimes.

(b) The attorney general shall adopt rules under IC 4-22-2 to the extent necessary to organize the unit.

As added by P.L.137-2009, SEC.2.

IC 4-6-13-4

Powers of the attorney general

Sec. 4. The attorney general may do any of the following when conducting an investigation under section 3 of this chapter:

(1) Issue and serve a subpoena for the production of records,

including records stored in electronic data processing systems, books, papers, and documents for inspection by the attorney general or the investigator.

(2) Issue and serve a subpoena for the appearance of a person to provide testimony under oath.

(3) Apply to a court with jurisdiction to enforce a subpoena described in subdivision (1) or (2).

As added by P.L.137-2009, SEC.2.

IC 4-6-13-5

Duty of attorney general to notify a prosecuting attorney

Sec. 5. If the attorney general determines during an investigation conducted under this chapter that there is reasonable suspicion to believe that a person has committed identity deception or a similar offense, the attorney general shall promptly notify a law enforcement agency and the prosecuting attorney that have jurisdiction over the person or offense.

As added by P.L.137-2009, SEC.2.

IC 4-6-13-6

Agency cooperation with the identity theft unit

Sec. 6. (a) The following may cooperate with the unit to implement this chapter:

(1) The bureau of motor vehicles.

(2) The secretary of state.

(3) The department of financial institutions.

(4) The department of insurance.

(5) The state police department.

(6) The department of workforce development.

(7) The department of state revenue.

(8) A prosecuting attorney.

(9) Local law enforcement agencies.

(b) Notwithstanding IC 5-14-3, the entities listed in subsection (a) may share information with the unit.

As added by P.L.137-2009, SEC.2.

IC 4-6-13-7

Jurisdiction of other agencies not limited

Sec. 7. The establishment of the unit and the unit's powers does not limit the jurisdiction of an entity described in section 6 of this chapter.

As added by P.L.137-2009, SEC.2.

IC 4-6-13-8

Power to deputize attorney general or deputy attorney general

Sec. 8. A prosecuting attorney may deputize the attorney general or a deputy attorney general for purposes of the prosecution of an identity deception offense or a related offense.

As added by P.L.137-2009, SEC.2.

IC 4-6-13-9
Educational programs

Sec. 9. The unit may initiate and maintain an educational program to inform consumers of:

(1) risks relating to identity deception and similar crimes;

(2) steps consumers may take to minimize their risks of becoming a victim of identity deception;

(3) methods to detect identity deception and similar crimes; and

(4) measures that identity deception victims may take to recover from the crime and to hold the perpetrator of the crime accountable in a court of law.

As added by P.L.137-2009, SEC.2.

IC 4-6-14

Chapter 14. Health Records and Identifying Information Protection

IC 4-6-14-1

"Abandoned"

Sec. 1. As used in this chapter, "abandoned" means voluntarily surrendered, relinquished, or disclaimed by the health care provider or regulated professional, with no intention of reclaiming or regaining possession.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-2

"Health care provider"

Sec. 2. As used in this chapter, "health care provider" means:

(1) a person listed in IC 16-39-7-1(a)(1) through IC 16-39-7-1(a)(11); or

(2) a person licensed, certified, registered, or regulated by an entity described in IC 25-0.5-11.

As added by P.L.84-2010, SEC.1. Amended by P.L.226-2011, SEC.1; P.L.3-2014, SEC.1.

IC 4-6-14-3

"Personal information"

Sec. 3. As used in this chapter, "personal information" has the meaning set forth in IC 24-4.9-2-10.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-4

"Regulated professional"

Sec. 4. As used in this chapter, "regulated professional" means an individual who is regulated by an entity described in IC 25-0.5-12.

As added by P.L.84-2010, SEC.1. Amended by P.L.3-2014, SEC.2.

IC 4-6-14-5

Attorney general's powers

Sec. 5. The attorney general may do the following with abandoned health records and other records that contain personal information:

(1) Take possession of.

(2) Store.

(3) Maintain.

(4) Transfer.

(5) Protect.

(6) Destroy, subject to the limitations in sections 8(b) and 9(b) of this chapter.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-6

Determination of abandonment

Sec. 6. (a) Before taking any action described in section 5 of this chapter, the attorney general shall determine whether a health care provider or regulated professional has abandoned health records or records containing personal information.

(b) A determination of abandonment under this section may only be used for the purpose of taking an action described in this chapter. However, a subsequent enforcement action may take place under a state or federal law based on proof of facts that may have contributed to the determination of abandonment if the facts are proved in a subsequent enforcement action.

(c) An investigation to make a determination of abandonment under this section must be conducted under the attorney general's authority under existing state and federal law. Nothing in this chapter shall be construed to create new authority for a subpoena or search warrant.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-7

Notification

Sec. 7. (a) The attorney general shall make reasonable efforts to notify the patients and those individuals identified in:

(1) health records; or

(2) records or documents that contain personal information;

that the attorney general has taken possession of the records or documents. The notice in this subsection must include information about the procedure for either obtaining originals or copies of the records or having the original records sent to a duly authorized subsequent treating health care provider.

(b) Unless prohibited by law, the attorney general may also notify other persons, including professional organizations, hospitals, law enforcement agencies, and government units, who:

(1) may be able to assist in notifying persons whose records were abandoned and secured by the attorney general under this chapter; and

(2) when appropriate, may be able to assist in returning the records to those persons.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-8

Length of time health records must be maintained; destruction of records

Sec. 8. (a) The attorney general shall maintain health records obtained under section 5 of this chapter for the lesser of the following:

(1) The time required under IC 16-39-7-1 and IC 16-39-7-2.

(2) Three (3) years after the date the records are secured.

(b) When the time expires under subsection (a), the attorney

general may destroy the health records obtained under section 5 of this chapter.
As added by P.L.84-2010, SEC.1.

IC 4-6-14-9
Length of time personal information records must be maintained; destruction of records

Sec. 9. (a) The attorney general shall maintain records that are not health records but contain personal information for at least three (3) years after the date the records are seized or secured.

(b) When the time expires under subsection (a) and after notification under section 7 of this chapter, the attorney general may destroy the records that contain personal information.
As added by P.L.84-2010, SEC.1.

IC 4-6-14-10
Health records and personal identifying information protection trust fund

Sec. 10. (a) The health records and personal identifying information protection trust fund is established for the purpose of paying storage, maintenance, copying, mailing, and transfer of:

(1) health records; and
(2) records containing personal information;

as required under this chapter. Expenditures from the trust fund may be made only to carry out the purposes of this subsection.

(b) Subject to subsection (c), if a health care provider or a regulated professional is disciplined under IC 25-1-9 or IC 25-1-11, the board that issues the disciplinary order shall impose a fee against the individual of five dollars ($5). The fee must be deposited into the health records and personal identifying information protection trust fund.

(c) If the amount in the health records and personal identifying information protection trust fund exceeds seventy-five thousand dollars ($75,000), the fee imposed under subsection (b) may not be imposed on an individual who is subject to a disciplinary order.

(d) The attorney general shall administer the trust fund.

(e) The expenses of administering the trust fund shall be paid from the money in the fund.

(f) The treasurer of state shall invest the money in the trust fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(g) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.
As added by P.L.84-2010, SEC.1.

IC 4-6-14-11
Immunity

Sec. 11. The attorney general is immune from civil liability for

destroying or failing to maintain custody and control of any record obtained under this chapter.
As added by P.L.84-2010, SEC.1.

IC 4-6-14-12
Cooperation with other agencies

Sec. 12. The following may cooperate with the attorney general's office to implement this chapter:

(1) The Indiana professional licensing agency and the appropriate board that regulates a health care provider or a regulated professional under IC 25.
(2) The state police department.
(3) A prosecuting attorney.
(4) Local law enforcement agencies.
(5) Federal law enforcement agencies.

As added by P.L.84-2010, SEC.1.

IC 4-6-14-13
Rules

Sec. 13. The attorney general may adopt rules under IC 4-22-2 that are necessary to administer and implement this chapter.
As added by P.L.84-2010, SEC.1.

IC 4-6-14-14
Judicial review

Sec. 14. A determination by the attorney general that health records or other records that contain personal information have been abandoned is subject to review in a circuit or superior court. A person who seeks to enforce this section must first notify the attorney general of the intention to seek judicial review.
As added by P.L.84-2010, SEC.1.

IC 4-6-14-15
Funding

Sec. 15. The attorney general may pay for the administration of this chapter only from funds currently appropriated to the office of the attorney general.
As added by P.L.84-2010, SEC.1.

IC 4-7

ARTICLE 7. AUDITOR OF STATE

IC 4-7-1

Chapter 1. Auditor of State

IC 4-7-1-1

Commencement of term; bond

Sec. 1. (a) The individual elected as auditor of state shall take office on January 1 following the individual's election.

(b) The auditor of state, before entering upon the duties of office shall execute an official bond, for the sum of ten thousand dollars ($10,000), to be approved by the governor.

(Formerly: Acts 1852, 1RS, c.7, s.1.) As amended by P.L.8-1995, SEC.68.

IC 4-7-1-2

Powers and duties

Sec. 2. The auditor of state shall do the following:

(1) Keep and state all accounts between the state of Indiana and the United States, any state or territory, or any individual or public officer of this state indebted to the state or entrusted with the collection, disbursement, or management of any money, funds, or interest arising therefrom, belonging to the state, of every character and description whatsoever, when the money, funds, or interest is derivable from or payable into the state treasury.

(2) Examine and liquidate the accounts of all county treasurers and other collectors and receivers of all state revenues, taxes, tolls, and incomes, levied or collected by any act of the general assembly and payable into the state treasury, and certify the amount or balance to the treasurer of state.

(3) Keep fair, clear, distinct, and separate accounts of all the revenues and incomes of the state and all expenditures, disbursements, and investments of the state, showing the particulars of every expenditure, disbursement, and investment.

(4) Examine, adjust, and settle the accounts of all public debtors for debts due the state treasury and require all public debtors or their legal representatives who may be indebted to the state for money received or otherwise and who have not accounted for a debt to settle their accounts.

(5) Examine and liquidate the claims of all persons against the state in cases where provisions for the payment have not been made by law. When no such provisions or an insufficient one has been made, examine the claim and report the facts, with an opinion, to the general assembly. No allowance shall be made to refund money from the treasury without the statement of the auditor of state either for or against the justice of the claim.

(6) Institute and prosecute, in the name of the state, all proper suits for the recovery of any debts, money, or property of the state or for the ascertainment of any right or liability concerning the debts, money, or property.
(7) Direct and superintend the collection of all money due to the state and employ counsel to prosecute suits, instituted at the auditor's instance, on behalf of the state.
(8) Draw warrants on the treasurer of state or authorize disbursement through electronic funds transfer in conformity with IC 4-8.1-2-7 for all money directed by law to be paid out of the treasury to public officers or for any other object whatsoever as the warrants become payable. Every warrant or authorization for electronic funds transfer shall be properly numbered.
(9) Furnish to the governor, on requisition, information in writing upon any subject relating to the duties of the office of the auditor of state.
(10) Superintend the fiscal concerns of the state and their management in the manner required by law and furnish the proper forms to assessors, treasurers, collectors, and auditors of counties.
(11) Keep and preserve all public books, records, papers, documents, vouchers, and all conveyances, leases, mortgages, bonds, and all securities for debts, money, or property, and accounts and property, of any description, belonging or appertaining to the office of the auditor of state and also to the state, where no other provision is made by law for the safekeeping of the accounts and property.
(12) Suggest plans for the improvement and management of the public revenues, funds, and incomes.
(13) Report and exhibit to the general assembly, at its meeting in each odd-numbered year, a complete statement of the revenues, taxables, funds, resources, incomes, and property of the state, known to the office of the auditor of state and of the public revenues and expenditures of the two (2) preceding fiscal years, with a detailed estimate of the expenditures to be defrayed from the treasury for the ensuing two (2) years, specifying each object of expenditure and distinguishing between each object of expenditure and between such as are provided for by permanent or temporary appropriations, and such as require to be provided for by law, and showing also the sources and means from which all such expenditures are to be defrayed. The report must be in an electronic format under IC 5-14-6.

(Formerly: Acts 1852, 1RS, c.7, s.2.) As amended by P.L.1-1991, SEC.8; P.L.32-1995, SEC.1; P.L.28-2004, SEC.31.

IC 4-7-1-3

Powers and duties; statement of property, money, security, or funds of state

Sec. 3. (a) The auditor of state shall, from time to time, require all persons receiving money or securities, or having the management of any property, money, securities, or funds of the state, of an account that is kept in the auditor of state's office, to render statements to the auditor of state.

(b) The officers or persons described in subsection (a) shall render the statements, at a time and in a form as required by the auditor of state.

(Formerly: Acts 1852, 1RS, c.7, s.3.) As amended by P.L.215-2016, SEC.49.

IC 4-7-1-4

Oath; adjustment or settlement of claim

Sec. 4. The auditor of state shall have power to administer oaths in the adjustment or settlement of all claims for or against the state.

(Formerly: Acts 1852, 1RS, c.7, s.4.) As amended by P.L.215-2016, SEC.50.

IC 4-7-1-4.1

Approval of forms

Sec. 4.1. (a) All forms and reports that are used by the auditor of state to enter information into the auditor of state's accounting system are subject to the approval of the auditor of state.

(b) The auditor of state shall approve forms and reports used by the auditor of state in a paper form, as a facsimile, or in an electronic form. This section may not be implemented in a manner that interferes with the duties and powers of:

(1) the state board of accounts under IC 5-11-1-2; or

(2) the oversight committee on public records or the Indiana archives and records administration under IC 5-15-5.1-5.

(c) The auditor of state may require that a form or report submitted to the auditor of state for processing must be submitted in paper form, as a facsimile, or electronically if the requirement:

(1) is approved by the state board of accounts; and

(2) does not create a hardship for a person that submits the form or report to the auditor of state.

As added by P.L.6-1996, SEC.2. Amended by P.L.19-1997, SEC.1; P.L.171-2015, SEC.2.

IC 4-7-1-5

Duties of auditor upon issuing warrants or authorizing electronic funds transfer

Sec. 5. Whenever any person is entitled to draw money from the state treasury, the auditor may draw a warrant in the auditor's favor on the treasurer of state or authorize an electronic funds transfer in conformity with IC 4-8.1-2-7. The auditor of state shall:

(1) enter in a proper book provided for that purpose every warrant or electronic funds transfer the auditor draws on the treasury:
(A) in the order the auditor issues the warrant or transfer;
(B) in a manner as to show the date;
(C) in whose favor drawn;
(D) the nature of the claim upon which it is founded; and
(E) with a reference to the law under which it is drawn;
(2) carry the entries into a book of general accounts, under separate and distinct heads; and
(3) number and file, in the auditor's office, all papers and vouchers upon which the auditor shall issue any warrant or electronic funds transfer for the payment of money.
(Formerly: Acts 1852, 1RS, c.7, s.5.) As amended by P.L.32-1995, SEC.2; P.L.215-2016, SEC.51.

IC 4-7-1-6
Failure to render accounts to auditor; damages; interest
Sec. 6. Whenever any officer or other person has received moneys belonging to the state, or has been entrusted with the collection, management or disbursement of any moneys, funds or interest accruing therefrom, belonging to or held in trust by the state, and shall fail to render an account thereof to, and make settlement with, the auditor, within the time prescribed by law, or where no particular time is prescribed, shall fail to render such account and make settlement, upon being required so to do by the auditor, within ten (10) days after such requisition, the auditor shall state an account against such officer or person, charging ten per cent (10%) damages, and interest at the rate of six per cent (6%) per annum from the time of failing to render an account and settle as aforesaid.
(Formerly: Acts 1852, 1RS, c.7, s.6.)

IC 4-7-1-7
Failure to pay accounts; suit for recovery
Sec. 7. Whenever any officer or other person shall render an account to, and make settlement with the auditor, as in this chapter required, and shall fail to pay over to the treasurer of state the amount to be paid by such officer or person into the state treasury, or to such person as shall be entitled by law to receive the same, within the time prescribed by law, or if no time is prescribed by law, then within the time specified by such auditor, the auditor, upon being notified by said treasurer, or otherwise, of such failure, shall institute suit for the recovery of the amount due and unpaid.
(Formerly: Acts 1852, 1RS, c.7, s.7.) As amended by P.L.5-1984, SEC.29.

IC 4-7-1-8
Suits to recover on accounts; evidence

Sec. 8. A copy of the account, in a case made out and certified by the auditor, shall be sufficient evidence to support an action for the amount stated to be due, without proof of the signature or official character of the auditor, subject to the right of the defendant to plead and give in evidence, as in other actions, all matters as shall be legal and proper for the defendant's defense.
(Formerly: Acts 1852, 1RS, c.7, s.8.) As amended by P.L.215-2016, SEC.52.

IC 4-7-1-9
Suits to recover on accounts; costs
Sec. 9. The party sued shall be subject to the costs and charges of suit, except in cases in which the party shall have rendered a true account, and shall also have paid the amount to the proper person authorized to receive the same, before the commencement of the suit, or unless suit is brought against the representative of the original party.
(Formerly: Acts 1852, 1RS, c.7, s.9.) As amended by P.L.215-2016, SEC.53.

IC 4-7-1-10
Suits to recover on accounts; evidence existing before adjustment and settlement; costs
Sec. 10. If any defendant in any such suit, upon the trial, gives any evidence which existed prior to the time of such adjustment and settlement, and which was not produced to such auditor at the time of said settlement, such defendant shall be subject to the costs and charges of such suit.
(Formerly: Acts 1852, 1RS, c.7, s.10.)

IC 4-7-1-11
Suits to recover on accounts; remedies
Sec. 11. Nothing contained in the provisions of this chapter shall be so construed as to affect any legal remedy which might be used if such provisions were not in force for the recovery of any claim in favor of the state.
(Formerly: Acts 1852, 1RS, c.7, s.11.) As amended by P.L.5-1984, SEC.30.

IC 4-7-1-12
Repealed
(Repealed by P.L.4-1988, SEC.4.)

IC 4-7-1-13
Repealed
(Repealed by P.L.17-1986, SEC.15.)

IC 4-7-1-14

Repealed

(Repealed by P.L.17-1986, SEC.15.)

IC 4-7-1-15

Inspection of office

Sec. 15. All the books, papers, letters and transactions pertaining to the office of auditor shall be open to the inspection of a committee of the general assembly, or either branch thereof, and also to the inspection of the governor.

(Formerly: Acts 1852, 1RS, c.7, s.16.)

IC 4-7-1-16

Repealed

(Repealed by P.L.17-1986, SEC.15.)

IC 4-7-1-17

Repealed

(As added by P.L.3-1987, SEC.495. Repealed by P.L.176-1999, SEC.133 and P.L.202-1999, SEC.27.)

IC 4-7-2

Chapter 2. Chief Deputies

IC 4-7-2-1

Designation; summary

Sec. 1. The auditor of state is authorized to designate two (2) of the auditor of state's deputies as chief deputies. The chief deputies shall not be members of the same political party and their salaries shall be fixed by the state budget committee.

(Formerly: Acts 1967, c.19, s.1.) As amended by P.L.215-2016, SEC.54.

IC 4-7-3
Repealed

(Repealed by P.L.17-1986, SEC.15.)

IC 4-7-4

Chapter 4. Repealed

(Transferred to IC 4-15-5.9 by Acts 1972, P.L.11, SEC.1.)

IC 4-8

ARTICLE 8. REPEALED

(Repealed by Acts 1979, P.L.22, SEC.3.)

IC 4-8.1

ARTICLE 8.1. TREASURER OF STATE

IC 4-8.1-1

Chapter 1. The State Treasury

IC 4-8.1-1-1

Composition

Sec. 1. The state treasury is composed of:

(1) all moneys collected under any law of this state providing for the collection of revenue for state purposes;

(2) all moneys borrowed on the credit of the state by the treasurer of state or any other authorized agent of the state;

(3) all moneys derived from the sale of property belonging to or held in trust by the state;

(4) all moneys and securities belonging to, lent to, or held in trust by the state, where no other disposition of them is required by law;

(5) all income derived in any manner from any money or property specified in this section;

(6) every fee, perquisite, or bonus received by any state officer in the discharge of the state officer's duties;

(7) all dividends arising from bank or other stock appropriated to the payment of any part of the interest on the public debt; and

(8) all moneys from any source paid, belonging, or accruing to the state for the use of the state or to a state fund for any purpose.

As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.215-2016, SEC.55.

IC 4-8.1-1-2

Funds

Sec. 2. The state treasury shall be divided into the general fund and such other funds as are created by the constitution or by statute.

As added by Acts 1979, P.L.22, SEC.1.

IC 4-8.1-1-3

General fund

Sec. 3. The general fund consists of all moneys paid into the state treasury which are not by the constitution, statute, or requirement of the donor dedicated to another fund or for another purpose.

As added by Acts 1979, P.L.22, SEC.1.

IC 4-8.1-1-4

Investment of money; law governing

Sec. 4. The investment of the money in the state treasury is governed by IC 5-13.

As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.3-1990,

SEC.15.

IC 4-8.1-1-5
Inspection of treasury and records by committee

Sec. 5. A committee of the general assembly or of either of its houses or a committee of persons who are appointed by the general assembly but who are not members of the general assembly, when authorized by the general assembly by resolution, may inspect the state treasury and the records relating to the state treasury.

The committee may compel the attendance of witnesses and send for persons and papers.

As added by Acts 1979, P.L.22, SEC.1.

IC 4-8.1-1-6
Inspection of treasury and records by state board of accounts or certified public accountant

Sec. 6. (a) The governor may request the state board of accounts or appoint a certified public accountant to make, without previous notice of an inspection, a thorough inspection of the state treasury and the records relating to the state treasury. The treasurer of state, the auditor of state, and the employees of their offices, shall assist the state board of accounts or the accountant in all ways necessary to the performance of the inspection. The state board of accounts or the accountant is authorized to administer oaths to the treasurer of state, the auditor of state, or their employees for the purpose of obtaining sworn testimony. The state board of accounts or the accountant may compel the attendance of witnesses and send for persons and papers.

(b) The state board of accounts or the accountant shall certify the accountant's findings to the treasurer of state, the auditor of state, and the governor.

(c) The accountant shall be paid for the accountant's services and the accountant's expenses by the governor out of the governor's contingency fund at a rate determined reasonable by the governor.

As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.215-2016, SEC.56.

IC 4-8.1-1-7
Deposit of certain funds

Sec. 7. (a) As used in this section, "private entity" means a corporation or other business entity that uses facilities that were financed, in whole or in part, with the proceeds of bonds issued by the Indiana finance authority under IC 8-9.5, IC 8-14.5, or IC 8-21-12.

(b) If a private entity makes a payment to the state under an agreement requiring the recipient to make such a payment upon failure to achieve prescribed levels of investment, employment, or wages at the facilities described in subsection (a), the payment shall be deposited in the state general fund.

As added by P.L.32-2002, SEC.1. Amended by P.L.235-2005, SEC.52.

IC 4-8.1-1-8

Deposit of payments made by United Air Lines to state

Sec. 8. Notwithstanding section 7 of this chapter, as amended by P.L.235-2005, SECTION 52, any payment made on or after April 1, 2007, by United Air Lines, Inc., to the state of Indiana under the IMC 757/767 Project Agreement, dated December 1, 1994, between the Indiana Economic Development Corporation and United Air Lines, Inc., upon failure to achieve prescribed levels of investment, employment, or wages set forth in the agreement at certain facilities that were financed with the proceeds of bonds issued by the Indiana finance authority under IC 8-21-12, shall be deposited as follows:

(1) Fifty percent (50%) of the money shall be deposited in the affordable housing and community development fund established by IC 5-20-4-7. The proceeds of any such payments are continuously appropriated for the purposes specified in IC 5-20-4-8. Any such proceeds in the affordable housing and community development fund that remain unexpended at the end of any state fiscal year remain in the fund until expended and do not revert to the state general fund due to United States Internal Revenue Service requirements related to outstanding Indiana finance authority bonds.

(2) Fifty percent (50%) of the money shall be distributed among the counties that either have at least one (1) unit that has established an affordable housing fund under IC 5-20-5-15.5 or a housing trust fund established under IC 36-7-15.1-35.5(e) in proportion to the population of each county. The money shall be allocated within the county as follows:

(A) In a county that does not contain a consolidated city and has at least one (1) unit that has established an affordable housing fund under IC 5-20-5-15.5, the amount to be distributed to each unit that has established an affordable housing fund under IC 5-20-5-15.5 is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. For purposes of allocating an amount to the affordable housing fund established by the county, the population to be used for that unit is the population of the county outside any city or town that has established an affordable housing fund. The allocated amount shall be deposited in the unit's affordable housing fund for the purposes of the fund.

(B) In a county to which clause (A) does not apply, the money shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of

the fund.

As added by P.L.220-2011, SEC.25.

IC 4-8.1-2

Chapter 2. The Treasurer of State

IC 4-8.1-2-1

Safekeeping and investment of money and securities

Sec. 1. The treasurer of state is responsible for the safekeeping and investment of moneys and securities paid into the state treasury.

As added by Acts 1979, P.L.22, SEC.1.

IC 4-8.1-2-2

Receipt, accounting for, and payment of funds

Sec. 2. The treasurer of state shall receive, account for, and pay over all moneys which are required by law to be paid into the state treasury.

As added by Acts 1979, P.L.22, SEC.1.

IC 4-8.1-2-3

Delivery of money and securities to successor

Sec. 3. The treasurer of state shall deliver to the treasurer of state's successor in office all money and securities and all effects of the treasurer of state's office.

As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.215-2016, SEC.57.

IC 4-8.1-2-4

Commencement of term; bond of treasurer and deputies

Sec. 4. (a) The individual elected as treasurer of state shall take office on January 1 following the individual's election.

(b) The treasurer of state and the treasurer's deputy treasurers shall each give bond in an amount determined by the auditor of state and the governor. The bond shall be conditioned on the faithful performance of the duties as treasurer of state and deputy treasurer, respectively. The bond must be procured from a surety company authorized by law to transact business in this state.

As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.115-2008, SEC.1.

IC 4-8.1-2-5

Use of funds as provided by law; unlawful receipt of gratuities

Sec. 5. (a) The treasurer of state may not use or permit any other person to use the money or property received by the treasurer of state or paid into the state treasury, except as permitted by law.

(b) The treasurer of state may not receive for the treasurer of state's own use any interest, premium, gratuity, or bonus from the disposition of, or arising out of, any money or property belonging to the state, to any county of the state, to any state or county fund, or to any other political subdivision.

As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.215-2016,

SEC.58.

IC 4-8.1-2-6
Report of collections due state; acknowledgment of receipt by treasurer; duties of auditor

Sec. 6. Before money may be deposited in the state treasury, the treasurer of state must receive from the person or agency making the deposit a report of collections due the state treasury, describing the source of the money and the fund and account to which they are to be credited. The treasurer of state shall acknowledge receipt of the money deposited in the state treasury and shall send the original of the report of collections to the auditor of state, who shall, after preaudit, prepare the auditor of state's accounting forms from the report. The auditor of state shall give the person or agency depositing the money the appropriate auditor's form. The treasurer of state and the auditor of state shall reconcile collections daily.

As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.215-2016, SEC.59.

IC 4-8.1-2-7
Payment of money upon warrant of auditor; transfer of funds

Sec. 7. (a) Except as otherwise specified in this section, the treasurer of state may not pay any money out of the state treasury except upon warrant of the auditor of state based on an approved claim.

(b) The treasurer of state may transfer money invested or on deposit in a public depository to any deposit account in the same or a different public depository. A transfer between deposit accounts may be made by warrant, check, or electronic funds transfer.

(c) If a political subdivision (as defined in IC 36-1-2-13) elects to receive distributions from the state or if a state employee elects to have wages deposited directly in a financial institution under IC 4-15-5.9-2 by means of an electronic transfer of funds, the treasurer of state shall have the funds transferred electronically.

(d) Notwithstanding any other law, if:

(1) a vendor or claimant requests that one (1) or more payments be made by means of an electronic funds transfer; and

(2) the auditor of state and the treasurer of state agree that payment by electronic funds transfer is advantageous to the state;

the auditor of state may elect to authorize an electronic funds transfer method of payment. If authorized by the auditor of state, the treasurer of state may pay money from the state treasury by electronic funds transfer.

(e) With regard to electronic funds transfer, a record of each transfer authorization shall be made by the treasurer of state immediately following the authorization and shall be made in a form which conforms to accounting systems approved by the state board

of accounts.

(f) As used in this section, "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.13-1984, SEC.1; P.L.23-1985, SEC.1; P.L.32-1995, SEC.3.

IC 4-8.1-2-8

Limitations on drawing warrants or authorizing electronic funds transfer; temporary overdraft

Sec. 8. (a) Except as provided in subsection (b), the auditor may not draw a warrant upon the treasurer of state or authorize an electronic funds transfer from the state treasury unless there is money in the state treasury belonging to the fund upon which the warrant is drawn to pay the warrant and unless the payment would be in conformity with appropriations made by law or other proper disbursing authority. The auditor of state shall preserve the approved claim on which the warrant or electronic funds transfer is based for the period required by law.

(b) The auditor of state may temporarily overdraft a fund's cash account if:

(1) as a condition to receiving federal aid, state warrants or checks must have been issued, cashed, or presented to a bank or the treasurer of state before the federal money can be drawn and deposited in the state treasury;

(2) appropriate estimated revenue or federal aid receivable entries are recorded; and

(3) a timely federal reimbursement has been requested.

As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.28-1983, SEC.1; P.L.32-1995, SEC.4.

IC 4-8.1-2-9

Sufficiency of funds for payment of warrant

Sec. 9. When presented a warrant, the treasurer of state shall pay the warrant if there is sufficient money in the state treasury belonging to the fund group upon which the warrant is drawn; if there is insufficient money in the fund group, the treasurer of state may not pay the warrant. When a warrant is paid, the treasurer of state shall take a receipt for it on the back of the warrant, cancel the warrant, and register and preserve the warrant for the period required by law.

As added by Acts 1979, P.L.22, SEC.1.

IC 4-8.1-2-10

Double entry records; detail

Sec. 10. The treasurer of state shall keep double entry records of warrants paid, receipts, cash on hand, and investments for which the treasurer of state is accountable by law in sufficient detail to fulfill the requirements of the law and the duty of the treasurer of state's office to safeguard the state treasury.
As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.215-2016, SEC.60.

IC 4-8.1-2-11
Money deposited by public debtors for use of state
Sec. 11. All state money deposited by any public debtor in a bank for the use of the state, except when otherwise directed by law, shall be deposited to the credit of the treasurer of state and subject to the treasurer of state's order.
As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.215-2016, SEC.61.

IC 4-8.1-2-12
Rental of safety deposit boxes or vaults; duties of depositories that accept securities
Sec. 12. (a) The treasurer of state or the treasurer of state's agent may rent safety deposit boxes or vaults of one (1) or more banks or trust companies located in the state and keep in them securities in the treasurer of state's or agent's custody, or give the securities to a bank, trust company, or other depository to hold as custodian under IC 5-13.
(b) A bank, trust company, or other depository which accepts securities as custodian shall:
(1) clip coupons;
(2) surrender matured issues for collection; and
(3) receive the proceeds of all collections and remit them to the treasurer of state.
As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.19-1987, SEC.2; P.L.215-2016, SEC.62.

IC 4-8.1-2-13
Embezzlement or breach of trust
Sec. 13. Any embezzlement or breach of trust on the part of the treasurer of state shall be immediately reported to the governor by the person discovering the embezzlement or breach of trust. The governor and the auditor shall make a careful examination to see if the embezzlement or breach of trust has occurred, and if it has, cause the treasurer of state to be arrested. After the arrest of the treasurer of state the governor shall appoint a deputy treasurer of state, who shall qualify and give bond as required for the treasurer of state and who shall be given exclusive control of the state treasury. The deputy treasurer has the powers and duties of and is subject to the liabilities of the treasurer of state until the treasurer of state is acquitted or the

treasurer of state's successor is elected and qualified.
As added by Acts 1979, P.L.22, SEC.1. Amended by P.L.215-2016, SEC.63.

IC 4-8.1-2-14
Annual report on general fund and funds managed by treasurer; distribution of report

Sec. 14. The treasurer of state shall prepare a report annually before October 15 that summarizes, for the fiscal year that ended on the preceding June 30, the following information for the general fund and all other funds managed by the treasurer of state:

(1) Statutory and administrative investment policies.
(2) Average daily amounts of cash and investments.
(3) Rates of return.
(4) Earnings.
(5) Portfolio composition.
(6) Other information considered relevant by the treasurer of state.

Before November 1 of each year, the treasurer shall provide a copy of the report to the governor, the lieutenant governor, and the budget director. In addition, the treasurer of state shall provide the report in an electronic format under IC 5-14-6 to the legislative council and the legislative services agency for the use of the members of the house of representatives and the senate.
As added by P.L.13-1986, SEC.1. Amended by P.L.28-2004, SEC.32.

IC 4-8.1-2-15
Repealed

(As added by P.L.3-1987, SEC.496. Repealed by P.L.176-1999, SEC.133 and P.L.202-1999, SEC.27.)

IC 4-9

ARTICLE 9. REPEALED

(Repealed by Acts 1979, P.L.22, SEC.3.)

IC 4-9.1

ARTICLE 9.1. STATE BOARD OF FINANCE

IC 4-9.1-1

Chapter 1. The State Board of Finance

IC 4-9.1-1-1

Composition; advisory supervision of safekeeping of funds

Sec. 1. The governor, the auditor of state, and the treasurer of state constitute the state board of finance, referred to as the "board" in this chapter. The board has advisory supervision of the safekeeping of all funds coming into the state treasury and all other funds belonging to the state coming into the possession of any state officer or agency.

As added by Acts 1979, P.L.22, SEC.2.

IC 4-9.1-1-2

Organization; officers

Sec. 2. The board shall organize by electing from its membership a president. The auditor of state is the secretary of the board.

As added by Acts 1979, P.L.22, SEC.2.

IC 4-9.1-1-3

Convening of board; recording, approval, signing, and attesting of proceedings

Sec. 3. (a) The president shall convene the board whenever requested to do so by a member or whenever necessary to the performance of its duties.

(b) The proceedings of the board shall be recorded and must be approved and signed by the president and attested by the secretary.

(c) The sessions of the board are public. Its records shall be kept in the office of the auditor of state and be subject to public inspection.

As added by Acts 1979, P.L.22, SEC.2.

IC 4-9.1-1-4

Supervision of fiscal affairs and public funds; deposits

Sec. 4. The board shall supervise the fiscal affairs of the state and all public funds of the state. The board shall arrange for the convenient deposit of all public funds of the state pursuant to IC 5-13.

As added by Acts 1979, P.L.22, SEC.2. Amended by P.L.19-1987, SEC.3.

IC 4-9.1-1-5

Adoption of rules

Sec. 5. The board may adopt such rules concerning the safekeeping and deposit of public funds of this state as it considers

necessary or advisable to accomplish the purposes of this chapter.
As added by Acts 1979, P.L.22, SEC.2.

IC 4-9.1-1-6
Suits by and against board

Sec. 6. The board may sue and be sued in its name.
As added by Acts 1979, P.L.22, SEC.2.

IC 4-9.1-1-7
Transfer of money

Sec. 7. (a) The board may transfer money between state funds, and the board may transfer money between appropriations for any board, department, commission, office, or benevolent or penal institution of the state. After the transfer is made, the money of the fund or appropriation transferred is not available to the fund or the board, department, commission, office, or benevolent or penal institution from which it was transferred.

(b) In addition to a transfer under subsection (a), the board may transfer money from an appropriation for any board, department, commission, office, or benevolent or penal institution of the state to the Indiana economic development corporation.

(c) An order by the board to make a transfer under this section is sufficient authority for the making of appropriate entries showing the transfer on the books of the auditor of state and treasurer of state.

(d) The authority given the board under this section to make transfers does not apply to trust funds. For the purposes of this section, "trust fund" means a fund which by the constitution or by statute has been designated as a trust fund or a fund which has been determined by the board to be a trust fund.

(e) Whenever the board takes action to transfer money out of a dedicated fund that is attributable to fees credited to the fund, the budget agency shall notify the budget committee within thirty (30) days and state the reason for the transfer.

(f) Within thirty (30) days after approving a transfer, the board shall post on the Indiana transparency Internet web site:

(1) a narrative description of each approved transfer under this section; and

(2) the reason for the transfer.

As added by Acts 1979, P.L.22, SEC.2. Amended by P.L.246-2005, SEC.39; P.L.205-2013, SEC.55; P.L.84-2014, SEC.1.

IC 4-9.1-1-8
Loans to meet casual deficits in revenue; term; evidence; levy of special tax

Sec. 8. For the purpose of meeting casual deficits in the state revenue, the board may negotiate such loans as may be necessary to meet the demands of the state. The loan may not be made for a longer period than four (4) years after the end of the fiscal year in which the

loan is made. To evidence the loan, the board may execute certificates of indebtedness or promissory notes, which certificates or notes must recite that they are issued to meet casual deficits in the state revenue.

If there are not sufficient funds coming into the general fund of the state to pay the certificates or notes when due, the board may, notwithstanding IC 6-1.1-18-2, levy a tax on all the taxable property of the state, sufficient to pay the amount of the indebtedness.
As added by Acts 1979, P.L.22, SEC.2.

IC 4-9.1-1-9
Investment of funds; temporary loans

Sec. 9. If at any time there are more than sufficient moneys in a trust fund, as determined in section 7 of this chapter, to meet the immediate requirements of the trust fund, the moneys may be invested in the certificates or notes issued under section 8 of this chapter, on the condition that any of the moneys so invested shall be returned to the fund from which received when needed to meet the demands of the fund. To meet the demands of the fund, the board may make temporary loans as authorized in section 8 of this chapter.
As added by Acts 1979, P.L.22, SEC.2.

IC 4-9.1-1-10
Repealed

(Repealed by P.L.6-1997, SEC.239.)

IC 4-10

ARTICLE 10. STATE FUNDS GENERALLY

IC 4-10-1

Repealed

(Repealed by Acts 1979, P.L.22, SEC.3.)

IC 4-10-2
Repealed

(Repealed by Acts 1979, P.L.22, SEC.3.)

IC 4-10-3
Repealed

(Repealed by Acts 1979, P.L.22, SEC.3.)

IC 4-10-4
Repealed

(Repealed by Acts 1979, P.L.22, SEC.3.)

IC 4-10-5
Repealed

(Repealed by P.L.1-1992, SEC.8.)

IC 4-10-6
Repealed

(Repealed by Acts 1979, P.L.22, SEC.3.)

IC 4-10-7
Repealed

(Repealed by Acts 1979, P.L.22, SEC.3.)

IC 4-10-8
Repealed

(Repealed by P.L.19-1987, SEC.60.)

IC 4-10-9
Repealed

(Repealed by Acts 1979, P.L.22, SEC.3.)

IC 4-10-10
Repealed
(Repealed by P.L.113-2014, SEC.2.)

IC 4-10-11

Chapter 11. Disbursement Procedures; Effect of Appropriations

IC 4-10-11-1

State departments; disbursement of money by vouchers; state colleges and universities; verified schedule of claims

Sec. 1. The disbursement of moneys for any purpose by the departments of the state government shall be by vouchers specifically itemizing in every particular the different purposes for which the treasury warrant is authorized. These vouchers shall not be approved by any officer or officers authorized to approve the same, unless so itemized, giving minutiae of detail, and when vouchers are presented to the auditor of state for warrants, they shall be accompanied by said itemized accounts and statements: Provided, That in the case of Purdue University, Indiana University, The Ball State Teachers College and The Indiana State Teachers College, the auditor of state shall be authorized to draw warrant upon a verified schedule of claims submitted by the treasurer of such university or college; all itemized claims included in such schedule shall be filed by such college or university as a part of its public records.

(Formerly: Acts 1897, c.115, s.1; Acts 1953, c.132, s.1.)

IC 4-10-11-2

Traveling expenses; receipted bills; per diem

Sec. 2. In all accounts rendered for traveling expenses, receipted bills for each item, except railroad fare, shall be submitted. However, the budget agency, in cooperation with the department of administration, is authorized to fix per diem or per diems in lieu of traveling expenses, other than transportation, in such amounts as they deem proper and equitable but in no case shall such per diem exceed the amount established in the appropriation act. When per diem is fixed receipted bills for each item are not necessary. Per diem when fixed may include meals, lodging, and all other traveling expenses except transportation. It will be sufficient in items covering railroad fare to verify same, if advisable, by referring to published tariff rates, and auto transportation shall be at the rate not to exceed the rate provided in the appropriation act. Constructive charges shall be eliminated from all vouchers, and under no circumstances shall the appropriation of the succeeding fiscal year be anticipated by predecessor.

(Formerly: Acts 1897, c.115, s.2; Acts 1941, c.59, s.1; Acts 1947, c.292, s.1.) As amended by Acts 1977, P.L.28, SEC.18; P.L.18-1991, SEC.1.

IC 4-10-11-2.1

Expense and salary per diems; minimum adjustment

Sec. 2.1. (a) Notwithstanding any other laws to the contrary, any

per diem that is paid from state funds for travel, lodging, or meals and that is authorized by statute in an amount that is less than the amount prescribed, pursuant to section 2 of this chapter, by the state budget agency for that particular per diem is hereby set at that amount prescribed by the state budget agency.

(b) Notwithstanding any other laws to the contrary, any salary per diem that is paid from state funds and that is authorized by statute in an amount that is less than thirty-five dollars ($35.00) per day is hereby set at thirty-five dollars ($35.00) per day or at any other amount as may be established by the general assembly after July 1, 1977.

As added by Acts 1977, P.L.27, SEC.1. Amended by P.L.3-2008, SEC.4.

IC 4-10-11-3

Literal following of items of appropriation act; diversion of appropriations

Sec. 3. In the accounting for moneys expended, the items of the appropriation act shall be literally followed and in no case shall moneys appropriated for one (1) specific purpose be diverted for the purposes of another.

(Formerly: Acts 1897, c.115, s.3.)

IC 4-10-11-4

State auditor; refusal to issue warrants; charging back deficient vouchers

Sec. 4. The auditor of state is authorized and empowered, where the provisions of sections 1, 2, and 3 of this chapter are not literally and specifically followed, and where the terms of the appropriation act have been violated, to refuse issue of warrants, and if, in the examination of vouchers rendered by any departments of state government, any violations of any sections 1, 2, and 3 of this chapter are found to have been made where warrant has been issued, then the auditor of state shall charge back to the proper department the deficient vouchers, and refuse further issue of warrants until the state has been given the proper credit for the amounts held to be irregular and void.

(Formerly: Acts 1897, c.115, s.4.) As amended by P.L.5-1984, SEC.36; P.L.215-2016, SEC.64.

IC 4-10-12

Chapter 12. Expenditure of Appropriations

IC 4-10-12-1

Itemized vouchers; expenditure for purpose appropriated

Sec. 1. Where an appropriation is made to any officer or department of state government for a specific employment or purpose, itemized vouchers showing the proper expenditure of the appropriation for the purpose named shall be made to the auditor of state before a warrant covering the amount due can be drawn on the treasurer of state.

(Formerly: Acts 1899, c.137, s.1.)

IC 4-10-12-2

Appropriation for office expenses; limitation on use

Sec. 2. Where an appropriation is made for office expenses in any department of state government, it shall be unlawful to pay any portion of said appropriation for clerk hire, janitor service or special labor compensation.

(Formerly: Acts 1899, c.137, s.2.)

IC 4-10-13

Chapter 13. Annual Financial Report for Certain State Agencies

IC 4-10-13-0.1

Repealed

(As added by P.L.220-2011, SEC.26. Repealed by P.L.137-2012, SEC.1.)

IC 4-10-13-1

Purpose of act

Sec. 1. It is the general intent and purpose of this chapter to provide an adequate vehicle for the furnishing of necessary and valuable data and information to those persons who are directly concerned with the problem of planning for and improving the fiscal policies of the state. In order to properly evaluate the financial condition of the state and prepare an adequate taxing program for the state it is necessary to receive annual reports from those agencies of the state that are charged with the responsibility of collecting, expending, and accounting for state revenues. To properly and efficiently effectuate the purpose of this chapter, it is the intent of the general assembly that the provisions of this chapter be liberally construed.

(Formerly: Acts 1959, c.227, s.1.) As amended by P.L.5-1984, SEC.37.

IC 4-10-13-2

Auditor of state; financial reports; publication

Sec. 2. (a) The auditor of state shall prepare and publish each year the following financial reports:

(1) A report showing receipts by source of revenue and by type of fund disbursements as they relate to each agency, department, and fund of the state government. This report shall include a recital of disbursements made by the following functions of state government:

(A) Education.

(B) Welfare.

(C) Highway.

(D) Health.

(E) Natural resources.

(F) Public safety.

(G) General governmental.

(H) Hospital and state institutions.

(I) Correction, parole, and probation.

(2) A report containing the following property tax data by counties:

(A) A report showing:

(i) the total amount of tax delinquencies;

(ii) the total amount of the administrative costs of the offices of township assessors (if any), county assessors, the offices of county auditors, and the offices of county treasurers; and

(iii) the total amount of other local taxes collected.

(B) An abstract of taxable real and personal property, which must include a recital of the number and the total amount of tax exemptions, including mortgage exemptions, veterans' exemptions, exemptions granted to blind persons, exemptions granted to persons over sixty-five (65) years of age, and any and all other exemptions granted to any person under the Constitution and the laws of the state.

(b) The reports described in this section shall be made available for inspection as soon as they are prepared and shall be published in the manner provided in section 7 of this chapter by the auditor of state not later than December 31 following the end of each fiscal year.

(Formerly: Acts 1959, c.227, s.2.) As amended by P.L.1-1991, SEC.9; P.L.146-2008, SEC.7.

IC 4-10-13-3

Department of state revenue; publications

Sec. 3. The Indiana department of state revenue is hereby authorized and directed to prepare and publish each year the following report, which shall contain a recital of the number of taxpayers, the amount of gross collections, the amount of net collections, the amount of refunds, the amount of collection allowances, the amount of administrative costs, and the amount of delinquencies by type of tax collected by the department. Such report shall be made available for inspection as soon as it is prepared and shall be published, in the manner hereinafter provided, by the Indiana state department of revenue not later than December 31 following the end of each fiscal year.

(Formerly: Acts 1959, c.227, s.3.) As amended by P.L.192-2002(ss), SEC.3.

IC 4-10-13-4

Alcohol and tobacco commission

Sec. 4. The alcohol and tobacco commission shall prepare and publish each year the following report containing the following information and data:

(1) Relative to the cigarette tax, a recital of the total amount of tax collected and the number of packages of cigarettes taxed, the total amount of refunds, the total amount of collection allowances and the total amount of administrative costs.

(2) Relative to the tax on alcoholic beverages and the imposition of license and permit fees, a recital of the number of licenses and permits, by class, issued by the commission; the

total amount of license and permit fees collected; the total amount collected from any tax imposed on beer, wine and liquor; and the total amount, by volume, of alcoholic beverages taxed; the total amount of collection allowances; and the total amount of administrative costs.

Such report shall be made available for inspection as soon as it is prepared and shall be published, in the manner set forth in this chapter by the alcohol and tobacco commission not later than December 31 following the end of each fiscal year.

(Formerly: Acts 1959, c.227, s.4.) As amended by P.L.204-2001, SEC.3.

IC 4-10-13-5

Repealed

(Formerly: Acts 1959, c.227, s.5. As amended by P.L.98-1989, SEC.2; P.L.90-2002, SEC.7. Repealed by P.L.137-2012, SEC.2.)

IC 4-10-13-6

Adding to or omitting data from reports; submission format

Sec. 6. Each state agency required to prepare reports under the provisions of this chapter may, after consultation with and agreement by the interim study committee on fiscal policy established by IC 2-5-1.3-4, add to or omit specific categories of data from the reports required by this chapter. Reports submitted to the legislative council under section 7 of this chapter or another provision of this chapter shall be submitted in an electronic format under IC 5-14-6.

(Formerly: Acts 1959, c.227, s.6.) As amended by P.L.5-1984, SEC.38; P.L.53-2014, SEC.52.

IC 4-10-13-7

Manner of publication; expenses; copies of reports

Sec. 7. (a) The manner of publication of any of the reports as herein required shall be prescribed by the state budget committee, and the cost of publication shall be paid from funds appropriated to such state agencies and allocated by the state budget committee to such agencies for such purpose.

(b) A copy of such reports shall be presented to the governor, the department of local government finance, the budget committee, the interim study committee on fiscal policy established by IC 2-5-1.3-4 and the legislative council in an electronic format under IC 5-14-6, and to any other state agency that may request a copy of such reports. A report presented under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(Formerly: Acts 1959, c.227, s.7.) As amended by P.L.90-2002, SEC.8; P.L.28-2004, SEC.33; P.L.53-2014, SEC.53.

IC 4-10-14

Chapter 14. State Institutions–Borrowing Money and Expenditures Without Appropriation Prohibited and Penalized

IC 4-10-14-1

Loans; expenditures for improvements; authorization by act of general assembly; violations

Sec. 1. (a) A trustee on a board of trustees of any benevolent, scientific, or educational institution, or any correctional facility of the state, shall not:

(1) borrow money upon the credit of the state;

(2) contract any indebtedness on the credit of the state; or

(3) make expenditures for improvements for an institution or correctional facility in any way;

unless the loan or expenditure of money is first authorized by an act of the general assembly.

(b) A trustee who violates this section:

(1) commits a Class C infraction; and

(2) forfeits the trustee's office.

(Formerly: Acts 1875, c.4, s.1.) As amended by P.L.12-1996, SEC.1; P.L.215-2016, SEC.65.

IC 4-10-14-2

Repealed

(Formerly: Acts 1875, c.4, s.2.) As amended by Acts 1978, P.L.2, SEC.404. Repealed by P.L.215-2016, SEC.66.)

IC 4-10-15

Chapter 15. Warrants on General Fund to Issue When General Assembly Fails to Appropriate Money for Benevolent Institutions

IC 4-10-15-1

General assembly; failure to pass appropriation bills; warrants on state treasury

Sec. 1. Whenever there shall be a failure at any regular biennial session of the general assembly to pass an appropriation bill or bills, making appropriations for the objects and purposes hereinafter mentioned, it shall be lawful for the governor, secretary and treasurer of state, until appropriations shall be made by the legislature, to direct the auditor of state to draw the auditor of state's warrants on the state treasury for the sums as they may, from time to time, decide to be necessary for the purposes respectively, not exceeding the amounts appropriated for the same objects respectively by the last preceding appropriations which shall have been made by the general assembly; and to pay the warrants as may, from time to time, be drawn and presented, a sufficient sum of money is appropriated.

(Formerly: Acts 1869(ss), c.5, s.1.) As amended by P.L.215-2016, SEC.67.

IC 4-10-15-2

Warrants on state treasury for necessary expenses

Sec. 2. The warrants may be drawn for the necessary and current expenses of the following:

(1) All psychiatric hospitals (as defined in IC 12-7-2-184).

(2) The Indiana School for the Deaf, established by IC 20-22-2-1.

(3) The Indiana School for the Blind and Visually Impaired, established by IC 20-21-2-1.

(4) The Indiana Veterans' Home.

(5) The Plainfield Juvenile Correctional Facility.

(Formerly: Acts 1869(ss), c.5, s.2.) As amended by Acts 1976, P.L.44, SEC.15; P.L.2-1993, SEC.33; P.L.12-1996, SEC.2; P.L.69-1999, SEC.1; P.L.1-2005, SEC.57; P.L.218-2005, SEC.1.

IC 4-10-15-3

Drawing warrants on general fund; confinement to current expenses; monthly allowances

Sec. 3. The warrants so to be drawn shall be drawn on the General Fund and not otherwise, and shall not include any sum or sums for enlarging said Institutions, or any or either of them, but shall be confined strictly to the necessary current expenses of said Institutions respectively, and said allowances shall be made monthly upon the certificate of the President of the proper Board of Trustees of the said Institutions respectively, showing in detail the necessity for the

amount demanded, and that it has been approved by such Board, which certificate shall be countersigned by the Superintendent of the particular Institution for which the expense was incurred.
(Formerly: Acts 1865(ss), c.5, s.3.)

IC 4-10-15-4
Current expenses; amount of monthly allowances

Sec. 4. In making said monthly allowances, it shall be the duty of the officers as aforesaid authorized to make the same, not to exceed in any one month one-twelfth of the amount appropriated for the current expenses of the same Institution for the last preceding year for which an appropriation shall have been made by the General Assembly.
(Formerly: Acts 1865(ss), c.5, s.4.)

IC 4-10-16

Chapter 16. State Institutions–Semiannual Reporting and Paying Over of Non-Appropriated Receipts and Earnings

IC 4-10-16-1

Semiannual reports; earnings and receipts from sale of products or labor

Sec. 1. The respective boards of trustees, boards of control, and boards of managers of the benevolent and penal institutions and correctional facilities of the state shall, on the thirtieth day of April and the thirty-first day of October of each year, make a report in detail to the governor of the state of all earnings, receipts from sale of products or labor, and from all sources whatever, except appropriations from the state, for the semiannual period ending on such thirtieth day of April and the thirty-first day of October of each year.

(Formerly: Acts 1899, c.118, s.1.) As amended by Acts 1976, P.L.44, SEC.16; P.L.12-1996, SEC.3.

IC 4-10-16-2

Payment of money received into state treasury

Sec. 2. At the time of filing the report required by section one of this chapter such board of trustees, board of control, or board of managers shall pay into the state treasury all moneys received by them, or either of them during such semi-annual period as shown by such report.

(Formerly: Acts 1899, c.118, s.2; Acts 1901, c.29, s.1.) As amended by Acts 1976, P.L.44, SEC.17.

IC 4-10-17
Repealed
(Repealed by P.L.4-1988, SEC.4.)

IC 4-10-18

Chapter 18. The Counter-Cyclical Revenue and Economic Stabilization Fund

IC 4-10-18-1

Definitions

Sec. 1. As used in this chapter:

"Adjusted personal income" for a particular reporting period means the adjusted state personal income for that reporting period as determined under section 3(b) of this chapter.

"Annual growth rate" for a particular reporting period means the percentage change in adjusted personal income for the particular reporting period as determined under section 3(c) of this chapter.

"Budget director" refers to the director of the budget agency established under IC 4-12-1.

"Bureau" means the Bureau of Economic Analysis of the United States Department of Commerce or its successor agency.

"Costs" means the cost of construction, equipment, land, property rights (including leasehold interests), easements, franchises, leases, financing charges, interest costs during and for a reasonable period after construction, architectural, engineering, legal, and other consulting or advisory services, plans, specifications, surveys, cost estimates, and other costs or expenses necessary or incident to the acquisition, development, construction, financing, and operating of an economic growth initiative.

"Current calendar year" means a calendar year during which a transfer to or from the fund is initially determined under sections 4 and 5 of this chapter.

"Current reporting period" means the most recent reporting period for which the following information is published by the bureau:

(1) The implicit price deflator for the gross domestic product.

(2) State personal income.

"Economic growth initiative" means:

(1) the construction, extension, or completion of sewerlines, waterlines, streets, sidewalks, bridges, roads, highways, public ways, and any other infrastructure improvements;

(2) the leasing or purchase of land and any site improvements to land;

(3) the construction, leasing, or purchase of buildings or other structures;

(4) the rehabilitation, renovation, or enlargement of buildings or other structures;

(5) the leasing or purchase of machinery, equipment, or furnishings; or

(6) the training or retraining of employees whose jobs will be created or retained as a result of the initiative.

"Fund" means the counter-cyclical revenue and economic stabilization fund established under this chapter.

"General fund revenue" means all general purpose tax revenue and other unrestricted general purpose revenue of the state, including federal revenue sharing monies, credited to the state general fund and from which appropriations may be made.

"Implicit price deflator for the gross domestic product" means the implicit price deflator for the gross domestic product, or its closest equivalent, which is available from the bureau.

"Political subdivision" has the meaning set forth in IC 36-1-2-13.

"Qualified economic growth initiative" means an economic growth initiative that is:

(1) proposed by or on behalf of a political subdivision to promote economic growth, including the creation or retention of jobs or the infrastructure necessary to create or retain jobs;

(2) supported by a financing plan by or on behalf of the political subdivision in an amount at least equal to the proposed amount of the grant under section 15 of this chapter; and

(3) estimated to cost not less than twelve million five hundred thousand dollars ($12,500,000).

"Reporting period" refers to a period of twelve (12) consecutive months.

"State personal income" means state personal income as that term is defined by the bureau.

"Total state general fund revenue" for a particular state fiscal year means the amount of that revenue for the particular state fiscal year as finally determined by the auditor of state.

"Transfer payments" means current personal transfer receipts as that term is defined by the bureau.

As added by Acts 1982, P.L.22, SEC.1. Amended by P.L.28-1993, SEC.1; P.L.146-2008, SEC.8; P.L.205-2013, SEC.56.

IC 4-10-18-2

Establishment; administration by state treasurer

Sec. 2. (a) A counter-cyclical revenue and economic stabilization fund is established to assist in stabilizing revenue during periods of economic recession.

(b) The treasurer of state shall administer the fund. Amounts in the fund may be combined by the treasurer with other amounts in the state treasury for the purposes of cash management. The earnings from the investment of the fund accrue to the fund. The fund shall be accounted for separately from other state funds. The money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by Acts 1982, P.L.22, SEC.1.

IC 4-10-18-3

Determination of adjusted personal income and annual growth rate

Sec. 3. (a) Each year, the budget director shall determine the

adjusted personal income and the annual growth rate for Indiana using the current reporting period.

(b) The budget director shall determine the adjusted personal income for the current reporting period in the following manner:

STEP ONE: Calculate the average implicit price deflator for the gross domestic product for the current reporting period by totaling the implicit price deflator for the gross domestic product for each quarter of the current reporting period and dividing that total by four (4).

STEP TWO: Calculate the remainder of the total state personal income for the current reporting period minus any transfer payments made in Indiana for the current reporting period.

STEP THREE: Calculate the quotient of the result of STEP TWO divided by the result of STEP ONE.

STEP FOUR: Calculate the product of one hundred (100) multiplied by the result of STEP THREE. This product is the adjusted personal income for the current reporting period.

(c) The annual growth rate for a particular reporting period equals the quotient of:

(1) the remainder of:

(A) the adjusted personal income for the particular reporting period; minus

(B) the adjusted personal income for the twelve (12) month period immediately preceding the current reporting period; divided by

(2) the adjusted personal income for the twelve (12) month period immediately preceding the current reporting period.

The annual growth rate shall be expressed as a percentage and shall be rounded to the nearest one-tenth of one percent (0.1%).

(d) If the bureau changes the base year on which it calculates the implicit price deflator for the gross domestic product, the budget director shall adjust the implicit price deflator for the gross domestic product used in making the calculation in subsection (b) to compensate for that change in the base year.

As added by Acts 1982, P.L.22, SEC.1. Amended by P.L.205-2013, SEC.57.

IC 4-10-18-4

Annual appropriation to and from general fund; determination of amount

Sec. 4. (a) If the annual growth rate for the current reporting period exceeds two percent (2%), there is appropriated to the fund from the state general fund, for the state fiscal year beginning in the current calendar year, an amount equal to the product of:

(1) the total state general fund revenues for the state fiscal year ending in the current calendar year; multiplied by

(2) the remainder of:

(A) the annual growth rate for the current reporting period;

minus

(B) two percent (2%).

(b) If the annual growth rate for the current reporting period is less than a negative two percent (-2%), there is appropriated from the fund to the state general fund, for the state fiscal year beginning in the current calendar year, an amount equal to the amount determined in STEP TWO of the following formula:

STEP ONE: Determine the product of:

(A) the total state general fund revenues for the state fiscal year ending in the current calendar year; multiplied by

(B) negative one (-1).

STEP TWO: Determine the product of:

(A) the STEP ONE result; multiplied by

(B) the remainder of:

(i) the annual growth rate for the current reporting period; minus

(ii) negative two percent (-2%).

As added by Acts 1982, P.L.22, SEC.1. Amended by P.L.205-2013, SEC.58.

IC 4-10-18-5

Annual appropriation to and from general fund; certification of amount; transfer of funds

Sec. 5. (a) As soon as the auditor of state makes a final determination of the amount of total state general fund revenues for a particular state fiscal year, the auditor of state shall certify that amount to the budget director.

(b) As soon as possible after receiving the certification from the auditor of state under subsection (a), the budget director shall determine the amount, if any, that is appropriated into or out of the fund under section 4 of this chapter. If an appropriation is made into the fund under section 4 of this chapter, the budget director shall immediately certify that amount to the treasurer of state. If an appropriation is made out of the fund under section 4 of this chapter, the budget director shall certify to the treasurer of state an amount equal to the part of the appropriation, if any, by which the general fund general operating budget, for the state fiscal year for which the appropriation is made, exceeds the budget director's estimate of the total general fund revenues for that same state fiscal year. The budget director shall make the certification or certifications of money to be transferred out of the fund at the time or times that the budget director determines the general fund general operating budget would exceed the total estimated state general fund revenues.

(c) Immediately upon receiving a certification from the budget director under subsection (b), the auditor of state and treasurer of state shall make the appropriate transfer into or out of the fund.

(d) Any amount, which is appropriated out of the fund under section 4 of this chapter, but which has not been transferred out of

the fund under this section at the end of the state fiscal year for which the appropriation is made, shall revert to the fund.
As added by Acts 1982, P.L.22, SEC.1. Amended by P.L.215-2016, SEC.68.

IC 4-10-18-6
Budget reports; statements of actual or estimated transfers

Sec. 6. (a) In each budget report prepared in a current calendar year under IC 4-12-1-9, the state budget agency shall include a statement of the actual or estimated transfers made into or out of the fund under this chapter for each state fiscal year included in the report.

(b) In each budget report prepared under IC 4-12-1-12(a) or (c), the state budget agency shall include a final estimate of the transfers that were estimated under subsection (a).
As added by Acts 1982, P.L.22, SEC.1.

IC 4-10-18-7
Transfers; adjustment

Sec. 7. If:

(1) the bureau revises the state personal income figure it has previously reported for the twelve (12) month period preceding the current reporting period; and

(2) the revision is made after the transfer for the state fiscal year that begins in the current calendar year has initially been determined under section 5 of this chapter;

then the budget director shall adjust the transfer to reflect any increase or decrease in the growth rate used in initially determining that transfer. However, the total adjustments made under this section may not increase or decrease the initially determined transfer by an amount which exceeds one percent (1%) of the total general fund revenue used in determining the transfer. In addition, the last report of state personal income that the bureau makes before April 30 of the calendar year immediately following the current calendar year determines the final adjustment that may be made under this section with respect to that transfer.
As added by Acts 1982, P.L.22, SEC.1. Amended by P.L.205-2013, SEC.59.

IC 4-10-18-8
Excess funds; appropriations to state general fund

Sec. 8. (a) Except as provided in subsection (b), if the balance, at the end of a state fiscal year, in the fund exceeds seven percent (7%) of the total state general fund revenues for that state fiscal year, the excess is appropriated from the fund to the state general fund. The auditor of state and the treasurer of state shall transfer the amount so appropriated from the fund to the state general fund during the immediately following state fiscal year.

(b) If an appropriation is made out of the fund under section 4 of this chapter for a state fiscal year during which a transfer is to be made from the fund to the state general fund, the amount of the appropriation made under subsection (a) shall be reduced by the amount of the appropriation made under section 4 of this chapter. However, the amount of the appropriation made under subsection (a) may not be reduced to less than zero (0).

As added by Acts 1982, P.L.22, SEC.1. Amended by P.L.146-2008, SEC.9.

IC 4-10-18-9

General fund revenues; shortfall; appropriation

Sec. 9. If the total state general fund revenues for a state fiscal year, in which a transfer into the fund is made, are less than the level estimated in the budget report prepared in accord with IC 4-12-1-12(a) or (c) and the shortfall cannot be attributed to a statutory change in the tax rate, the tax base, the fee schedules, or the revenue sources from which the general fund revenue estimate was made, there is appropriated from the fund to the state general fund an amount that may not exceed the lesser of the following two (2) amounts:

(1) the amount that was transferred into the fund during that state fiscal year; or

(2) the amount necessary to balance the general fund general operating budget for that state fiscal year.

As added by Acts 1982, P.L.22, SEC.1.

IC 4-10-18-10

Loan of money from fund; application; terms; repayment; eligible entities

Sec. 10. (a) The state board of finance may lend money from the fund to entities listed in subsections (e) through (k) for the purposes specified in those subsections.

(b) An entity must apply for the loan before May 1, 1989, in a form approved by the state board of finance. As part of the application, the entity shall submit a plan for its use of the loan proceeds and for the repayment of the loan. Within sixty (60) days after receipt of each application, the board shall meet to consider the application and to review its accuracy and completeness and to determine the need for the loan. The board shall authorize a loan to an entity that makes an application if the board approves its accuracy and completeness and determines that there is a need for the loan and an adequate method of repayment.

(c) The state board of finance shall determine the terms of each loan, which must include the following:

(1) The duration of the loan, which must not exceed twelve (12) years.

(2) The repayment schedule of the loan, which must provide

that no payments are due during the first two (2) years of the loan.

(3) A variable rate of interest to be determined by the board and adjusted annually. The interest rate must be the greater of:

(A) five percent (5%); or

(B) two-thirds (2/3) of the interest rate for fifty-two (52) week United States Treasury bills on the anniversary date of the loan, but not to exceed ten percent (10%).

(4) The amount of the loan or loans, which may not exceed the maximum amounts established for the entity by this section.

(5) Any other conditions specified by the board.

(d) An entity may borrow money under this section by adoption of an ordinance or a resolution and, as set forth in IC 5-1-14, may use any source of revenue to repay a loan under this section. This section constitutes complete authority for the entity to borrow from the fund. If an entity described in subsection (i) fails to make any repayments of a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the consolidated city. If any other entity described in this section fails to make any repayments of a loan, the amount payable shall be withheld by the auditor of state from any other money payable to the entity. The amount withheld shall be transferred to the fund to the credit of the entity.

(e) A loan under this section may be made to a city located in a county having a population of more than twenty-five thousand (25,000) but less than twenty-five thousand eight hundred (25,800) for the city's waterworks facility. The amount of the loan may not exceed one million six hundred thousand dollars ($1,600,000).

(f) A loan under this section may be made to a city the territory of which is included in part within the Lake Michigan corridor (as defined in IC 14-13-3-2, before its repeal) for a marina development project. As a part of its application under subsection (b), the city must include the following:

(1) Written approval by the Lake Michigan marina development commission of the project to be funded by the loan proceeds.

(2) A written determination by the commission of the amount needed by the city, for the project and of the amount of the maximum loan amount under this subsection that should be lent to the city.

The maximum amount of loans available for all cities that are eligible for a loan under this subsection is eight million six hundred thousand dollars ($8,600,000).

(g) A loan under this section may be made to a county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000) for use by the airport authority in the county for the construction of runways. The amount of the loan may not exceed seven million dollars ($7,000,000). The county may lend the proceeds of its loan to an airport authority for the public purpose of fostering economic

growth in the county.

(h) A loan under this section may be made to a city having a population of more than sixty thousand (60,000) but less than sixty-five thousand (65,000) for the construction of parking facilities. The amount of the loan may not exceed three million dollars ($3,000,000).

(i) A loan or loans under this section may be made to a consolidated city, a local public improvement bond bank, or any board, authority, or commission of the consolidated city to fund economic development projects under IC 36-7-15.2-5 or to refund obligations issued to fund economic development projects. The amount of the loan may not exceed thirty million dollars ($30,000,000).

(j) A loan under this section may be made to a county having a population of more than thirteen thousand (13,000) but less than fourteen thousand (14,000) for extension of airport runways. The amount of the loan may not exceed three hundred thousand dollars ($300,000).

(k) A loan under this section may be made to Covington Community School Corporation to refund the amount due on a tax anticipation warrant loan. The amount of the loan may not exceed two million seven hundred thousand dollars ($2,700,000), to be paid back from any source of money that is legally available to the school corporation. Notwithstanding subsection (b), the school corporation must apply for the loan before June 30, 2010. Notwithstanding subsection (c), repayment of the loan shall be made in equal installments over five (5) years with the first installment due not more than six (6) months after the date loan proceeds are received by the school corporation.

(l) IC 6-1.1-20 does not apply to a loan made by an entity under this section.

(m) As used in this section, "entity" means a governmental entity authorized to obtain a loan under subsections (e) through (k).

As added by P.L.380-1987(ss), SEC.2. Amended by P.L.5-1988, SEC.22; P.L.22-1988, SEC.2; P.L.12-1992, SEC.13; P.L.1-1995, SEC.33; P.L.170-2002, SEC.10; P.L.182-2009(ss), SEC.53; P.L.197-2011, SEC.3; P.L.119-2012, SEC.8.

IC 4-10-18-11

Limitations on loans

Sec. 11. (a) A loan under section 10 of this chapter from the fund is payable only from the amount of money remaining in the fund after the appropriations required by this chapter have been made.

(b) This section and section 10 of this chapter do not create an obligation of:

(1) the state; or

(2) the fund;

to honor any loan applications to the extent that the total amount of

loans approved by the state board of finance exceeds the amount of money available for loans at the time loans are paid.
As added by P.L.380-1987(ss), SEC.3.

IC 4-10-18-12
Appropriation to underground petroleum storage tank excess liability trust fund

Sec. 12. If the amount of money in the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1 reaches zero (0), ten million dollars ($10,000,000) shall be transferred to the underground petroleum storage tank excess liability trust fund from the fund if the:

(1) underground petroleum storage tank financial assurance board recommends that the appropriation should be made; and
(2) budget committee approves the appropriation.

As added by P.L.13-1990, SEC.2. Amended by P.L.1-1996, SEC.24; P.L.113-2014, SEC.3.

IC 4-10-18-13
Repealed

(As added by P.L.28-1993, SEC.2. Repealed by P.L.93-2013, SEC.1.)

IC 4-10-18-14
Investment of proceeds; reversion

Sec. 14. (a) The treasurer of state shall invest the money in the economic growth initiatives account not currently needed to further the purposes of the account in the same manner as other public funds may be invested. Income from these investments shall be deposited in the fund, but not the account, and any losses from the investments shall be charged against the fund, but not the account.

(b) Expenses of managing the economic growth initiatives account shall be paid from money in the account.

(c) Money in the economic growth initiatives account does not revert to the fund or the state general fund at the end of a state fiscal year. However, if the account is abolished, money in the account shall be deposited in the fund.

(d) If no grant agreement for a qualified economic growth initiative for a government building that is to be occupied by an agency of the federal government has been executed and delivered under section 16 of this chapter before March 1, 1994:

(1) the money in the account reverts to the fund on March 1, 1994; and
(2) the auditor of state shall abolish the account on March 1, 1994.

As added by P.L.28-1993, SEC.3.

IC 4-10-18-15

Use of proceeds

Sec. 15. (a) Money in the economic growth initiatives account may be used only for grants to or for the benefit of political subdivisions for costs of qualified economic growth initiatives.

(b) Making grants for qualified economic growth initiatives under this chapter will serve a public purpose by creating and retaining jobs and promoting economic growth and development within Indiana and will serve essential governmental functions and public activities within Indiana.

As added by P.L.28-1993, SEC.4.

IC 4-10-18-16

Grants

Sec. 16. (a) Grants to or on behalf of political subdivisions for qualified economic growth initiatives shall be made by the Indiana economic development corporation established by IC 5-28-3-1.

(b) Each grant shall be made under a grant agreement by and between:

(1) the Indiana economic development corporation; and

(2) the political subdivision proposing the economic growth initiative or the person (as defined in IC 36-1-2-12) acting on behalf of the political subdivision.

(c) Each grant agreement shall describe in detail:

(1) the qualified economic growth initiative;

(2) the financing plan by the political subdivision proposing the economic growth initiative or by the person acting on behalf of the political subdivision; and

(3) the estimated cost of the economic growth initiative and all sources of money for the initiative.

(d) The Indiana economic development corporation may not execute and deliver a grant agreement under this section, and no money may be disbursed from the economic growth initiatives account, until the grant agreement has been:

(1) reviewed by the budget committee established by IC 4-12-1-3; and

(2) approved by the budget agency established by IC 4-12-1-3.

(e) In addition to the requirements of subsection (d), no money may be disbursed for a grant from the economic growth initiatives account without an appropriation made by the general assembly for that purpose, unless the grant is for a qualified economic growth initiative for a government building that is to be occupied by an agency of the federal government.

(f) Not more than twenty-five percent (25%) of any grant may be used for training or retraining employees whose jobs will be created or retained as a result of the economic growth initiative.

As added by P.L.28-1993, SEC.5. Amended by P.L.4-2005, SEC.6.

IC 4-10-19

Chapter 19. Local Infrastructure Revolving Fund

IC 4-10-19-1

"Fund" defined

Sec. 1. As used in this chapter, "fund" refers to the local infrastructure revolving fund established by this chapter.

As added by P.L.13-1996, SEC.1.

IC 4-10-19-2

"Political subdivision" defined

Sec. 2. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.13-1996, SEC.1.

IC 4-10-19-3

Purpose; administration by budget agency

Sec. 3. The local infrastructure revolving fund is established for the purpose of providing funds to local governments for infrastructure projects. The fund shall be administered by the budget agency.

As added by P.L.13-1996, SEC.1.

IC 4-10-19-4

Administration of fund; methods for financing infrastructure; annual report on projects funded

Sec. 4. (a) In administering the fund, the budget agency shall do the following:

(1) Monitor infrastructure finance needs and the availability and cost of capital.

(2) Provide financial management of investment pools and financial services associated with loans.

(3) Explore and evaluate capital financing techniques.

(4) Explore methods for the state to enhance the credit quality of municipal bond issues at a minimum cost to the state.

(b) The Indiana department of transportation, Indiana department of environmental management, and any other appropriate state agency, in consultation with the budget agency, shall advise political subdivisions on methods for financing infrastructure.

(c) The budget agency shall annually present a report to the budget committee that describes the projects funded under this chapter.

As added by P.L.13-1996, SEC.1.

IC 4-10-19-5

Powers of budget agency

Sec. 5. Subject to the written procedures developed under section 6 of this chapter, the budget agency may do the following:

(1) Loan money from the fund to a political subdivision.
(2) Use the money in the fund:
(A) for debt financing;
(B) for grants;
(C) for loan guarantees;
(D) to manage leverage loan programs for new construction through recapitalization of funds;
(E) to refinance and purchase political subdivision debt;
(F) to guarantee political subdivision loans;
(G) to make bond and debt service reserve insurance payments; and
(H) to guarantee debt service reserve funds;
for a political subdivision.

As added by P.L.13-1996, SEC.1.

IC 4-10-19-6
Procedures for allocation of money to projects; application

Sec. 6. (a) The budget agency shall establish a written procedure for allocating money to projects described in section 7 of this chapter.

(b) The procedure established under this section must include at least the following:
(1) An application procedure to identify projects that qualify for funding.
(2) Criteria for establishing priority of projects.
(3) Procedures for selecting projects.
(4) Procedures for reporting the results of the selection process and the status of projects to the budget committee.

(c) To apply for a loan or grant from the fund, a political subdivision must submit an application that contains at least the following information:
(1) A description of the infrastructure for which the loan or grant is sought;
(2) An estimate of the cost of constructing or improving the infrastructure, including the cost of designing the infrastructure;
(3) Any other information required by the budget agency in accordance with the procedure established under this section.

As added by P.L.13-1996, SEC.1.

IC 4-10-19-7
Use of loan or grant; requirements for grant

Sec. 7. (a) A loan or grant from the fund must be used by a political subdivision to establish or improve only the following infrastructure needs:
(1) Wastewater treatment projects, sewer systems, and drinking water systems, and extending water lines and installing hydrants for fire protection.
(2) Cargo, reliever, and general aviation airports, as classified

by the Federal Aviation Administration on January 1, 1996.

(3) Juvenile detention centers.

(4) Infrastructure or local public improvements needed for the rehabilitation, redevelopment, economic development, and reuse of military base property acquired from the federal government by a reuse authority established under IC 36-7-30 or a redevelopment authority operating under IC 36-7-14.5-12.5.

(5) Highways, roads, streets, and public mass transportation systems for communities.

(b) A grant from the fund must:

(1) not exceed ten percent (10%) of the total project cost or five million dollars ($5,000,000), whichever is less; and

(2) be made in conjunction with the adoption of a resolution by a political subdivision that sets forth the political subdivision's commitment of revenues to the infrastructure project for which the grant is made.

As added by P.L.13-1996, SEC.1.

IC 4-10-19-8

Requirements for loan; loan agreement; exceptions to loan amount limitations

Sec. 8. (a) A loan from the fund must:

(1) have an interest rate of not more than a rate that the state board of finance determines does not exceed current market rates for that type of loan;

(2) have a term of not more than twenty (20) years;

(3) except as provided in subsection (c), not exceed ten percent (10%) of the total project cost or five million dollars ($5,000,000), whichever is less;

(4) be made in conjunction with the adoption of a resolution by a political subdivision that sets forth the political subdivision's commitment of revenues to the infrastructure project for which the loan is made;

(5) provide for amortization to begin not later than one (1) year after construction of the project ends;

(6) be accompanied by:

(A) all papers and opinions required by the budget agency;

(B) an opinion of a bond counsel;

(C) a certification and guarantee of signatures; and

(D) a certification that, as of the date of the loan, no litigation is pending challenging the validity of, or entry into, the loan or any security for the loan; and

(7) be repaid.

(b) Unless otherwise provided by the procedure established under section 6 of this chapter, a political subdivision that receives a loan from the fund shall enter into a loan agreement. A loan agreement is a valid, binding, and enforceable agreement of the political

subdivision.

(c) A loan from the fund that is associated with a project under Section 350 of the National Highway System Act of 1995, Public Law 104-59, or subsequent laws authorizing the state infrastructure bank program may exceed the loan amount limitations described in subsection (a)(3).

As added by P.L.13-1996, SEC.1. Amended by P.L.20-1997, SEC.1.

IC 4-10-19-9

Expenses

Sec. 9. The expenses of administering the fund shall be paid from money in the fund.

As added by P.L.13-1996, SEC.1.

IC 4-10-19-10

Investment of money in fund

Sec. 10. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

As added by P.L.13-1996, SEC.1.

IC 4-10-19-11

No reversion to state general fund

Sec. 11. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.13-1996, SEC.1.

IC 4-10-21

Chapter 21. Business Cycle State Spending Controls

IC 4-10-21-1

"State spending cap" defined

Sec. 1. As used in this chapter, "state spending cap" refers to the state spending cap determined under section 2 of this chapter.

As added by P.L.192-2002(ss), SEC.4.

IC 4-10-21-2

State spending cap formula

Sec. 2. (a) For the state fiscal year beginning July 1, 2003, and ending June 30, 2004, the state spending cap is equal to the result determined under STEP THREE of the following formula:

STEP ONE: Determine the sum of the total of the appropriations made from the state general fund and the property tax replacement fund (including continuing appropriations) for the state fiscal year beginning July 1, 2002, and ending June 30, 2003.

STEP TWO: Subtract from the STEP ONE result two hundred forty-three million dollars ($243,000,000), which is the amount of certain reversions made by state agencies.

STEP THREE: Multiply the STEP TWO result by one and thirty-five thousandths (1.035).

(b) For the state fiscal year beginning July 1, 2004, and ending June 30, 2005, the state spending cap is equal to the product of the result determined under subsection (a) multiplied by one and thirty-five thousandths (1.035).

(c) The state spending cap for a state fiscal year beginning after June 30, 2005, is equal to the product of the state spending growth quotient for the state fiscal year determined under section 3 of this chapter multiplied by the state spending cap for the immediately preceding state fiscal year.

(d) The state spending cap imposed under this section is increased in the initial state fiscal year in which the state receives additional revenue for deposit in the state general fund as a result of the enactment of a law that:

(1) establishes a new tax or fee after June 30, 2002;

(2) increases the rate of a previously enacted tax or fee after June 30, 2002; or

(3) reduces or eliminates an exemption, a deduction, or a credit against a previously enacted tax or fee after June 30, 2002.

The amount of the increase is equal to the average revenue that the budget agency estimates will be raised by the legislative action in the initial two (2) full state fiscal years in which the legislative change is in effect.

(e) The state spending cap imposed under this section is decreased in the initial state fiscal year in which the state is affected by a

decrease in revenue deposited in the state general fund as the result of the enactment of a law that:

(1) eliminates a tax or fee after June 30, 2002;

(2) eliminates any part of a tax rate or fee after June 30, 2002; or

(3) establishes or increases an exemption, a deduction, or a credit against a tax or fee after June 30, 2002.

The amount of the decrease is equal to the average revenue that the budget agency estimates will be lost as a result of the legislative action in the initial two (2) full state fiscal years in which the legislative change is in effect.

As added by P.L.192-2002(ss), SEC.4. Amended by P.L.146-2008, SEC.10.

IC 4-10-21-3

State spending growth quotient; calculation by budget agency

Sec. 3. The budget agency shall compute a new state spending growth quotient under this section before December 31 in 2004 and each even-numbered year thereafter. The state spending growth quotient determined under this section applies to each of the state fiscal years in the immediately following biennial budget period. The state spending growth quotient to be used in the biennial budget period is the amount determined under STEP FOUR of the following formula:

STEP ONE: For each of the six (6) calendar years immediately preceding the beginning of the first state fiscal year in a biennial budget period, divide the Indiana nonfarm personal income for the calendar year by the Indiana nonfarm personal income for the calendar year immediately preceding that calendar year.

STEP TWO: Determine the sum of the STEP ONE results.

STEP THREE: Divide the STEP TWO result by six (6).

STEP FOUR: Determine the lesser of the following:

(A) The STEP THREE quotient.

(B) One and six-hundredths (1.06).

As added by P.L.192-2002(ss), SEC.4.

IC 4-10-21-4

Determination of Indiana nonfarm personal income

Sec. 4. For purposes of section 3 of this chapter, Indiana nonfarm personal income is the estimate of total nonfarm personal income for Indiana in a calendar year as computed by the federal Bureau of Economic Analysis before December 31 immediately preceding the beginning of the first state fiscal year in a biennial budget period, using any:

(1) actual data available for the calendar year; and

(2) estimated data for the calendar year whenever actual data is not available.

As added by P.L.192-2002(ss), SEC.4.

IC 4-10-21-5
Prohibition on spending exceeding state spending cap

Sec. 5. (a) The maximum total amount that may be expended in a state fiscal year from the state general fund and the counter-cyclical revenue and economic stabilization fund is the least of the following:

(1) Subject to sections 6 and 7 of this chapter, the state spending cap for the state fiscal year.

(2) The amount appropriated by the general assembly from the state general fund and the counter-cyclical revenue and economic stabilization fund.

(3) The amount of money available in the state general fund and the counter-cyclical revenue and economic stabilization fund to pay expenditures.

(b) Subject to sections 6 and 7 of this chapter, if the state spending cap for the state fiscal year is less than the amount appropriated by the general assembly in the state fiscal year from the state general fund and the counter-cyclical revenue and economic stabilization fund, the budget agency shall reduce the amounts available for expenditure from the state general fund and the counter-cyclical revenue and economic stabilization fund in the state fiscal year by using the procedures in IC 4-13-2-18.

As added by P.L.192-2002(ss), SEC.4. Amended by P.L.146-2008, SEC.11.

IC 4-10-21-6
Exclusions from state spending cap

Sec. 6. The following expenditures that would otherwise be subject to this chapter shall be excluded from all computations and determinations related to a state spending cap:

(1) Expenditures derived from money deposited in the state general fund and the counter-cyclical revenue and economic stabilization fund from any of the following:

(A) Gifts.

(B) Federal funds.

(C) Dedicated funds.

(D) Intergovernmental transfers.

(E) Damage awards.

(F) Property sales.

(2) Expenditures for any of the following:

(A) Transfers of money among the state general fund and the counter-cyclical revenue and economic stabilization fund.

(B) Reserve fund deposits.

(C) Refunds of intergovernmental transfers.

(D) Payment of judgments against the state and settlement payments made to avoid a judgment against the state, other than a judgment or settlement payment for failure to pay a

contractual obligation or a personnel expenditure.

(E) Distributions or allocations of state tax revenues to a unit of local government under IC 36-7-13, IC 36-7-26, IC 36-7-27, IC 36-7-31, or IC 36-7-31.3.

(F) Motor vehicle excise tax replacement payments that are derived from amounts transferred to the state general fund from the lottery and gaming surplus account of the build Indiana fund.

(G) Distributions of state tax revenues collected under IC 7.1 that are payable to cities and towns.

As added by P.L.192-2002(ss), SEC.4. Amended by P.L.146-2008, SEC.12.

IC 4-10-21-7

Exemptions by action of general assembly

Sec. 7. (a) An appropriation otherwise subject to the state spending cap limitation imposed by section 5 of this chapter shall be treated as exempt from the state spending cap limitation only if the general assembly specifically exempts the appropriation from the state spending cap in clear and unambiguous language contained in the bill making the appropriation.

(b) The following language shall be treated as meeting the requirements of subsection (a):

"The general assembly waives the state spending cap limitation imposed by IC 4-10-21-5 for the state fiscal year beginning July 1, (insert the applicable year), and ending June 30, (insert the applicable year), for the following appropriation: (insert the language of the appropriation). Notwithstanding IC 4-10-21-5(a)(1), the budget agency may allot appropriations for the appropriation without making any reduction under IC 4-10-21-5(b).".

(c) Language in a bill such as "Notwithstanding IC 4-10-21" or "IC 4-10-21 does not apply to this appropriation" shall not be treated as meeting the requirements of subsection (a). The budget agency may consider the language described in this subsection or other language that does not meet the requirements of subsection (a) only in determining which appropriations to make available for expenditure under section 5(b) of this chapter.

As added by P.L.192-2002(ss), SEC.4.

IC 4-10-21-8

Annual report; budget agency

Sec. 8. Not earlier than December 1 and not later than the first session day of the general assembly after December 31 of each even-numbered year, the budget agency shall submit a report in an electronic format under IC 5-14-6 to the executive director of the legislative services agency that includes at least the following information:

(1) The state spending cap for each of the state fiscal years in the immediately following biennial budget period.

(2) The supporting data and calculations necessary for a person to independently verify the manner in which the state spending caps described in subdivision (1) were determined.

As added by P.L.192-2002(ss), SEC.4. Amended by P.L.28-2004, SEC.34.

IC 4-10-22

Chapter 22. Use of Excess Reserves

IC 4-10-22-1

Calculation of state reserves

Sec. 1. (a) After the end of the state fiscal year beginning July 1, 2015, and ending June 30, 2016, and after the end of each odd-numbered state fiscal year thereafter, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later than July 31, 2016, and not later than July 31 of each odd-numbered year thereafter.

(b) The office of management and budget may not consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a) in 2017 and in an odd-numbered year thereafter.

(c) The office of management and budget shall consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a) in 2016.

As added by P.L.229-2011, SEC.44. Amended by P.L.160-2012, SEC.2; P.L.205-2013, SEC.60; P.L.213-2015, SEC.40; P.L.146-2016, SEC.1.

IC 4-10-22-2

Determination of excess reserves; presentation to budget committee

Sec. 2. If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds:

(A) eleven and five-tenths percent (11.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in calendar year 2016; or

(B) twelve and five-tenths percent (12.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in 2017 and in an odd-numbered year thereafter; and

(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later than September 30, 2016, not later than September 30, 2017, and not later than September 30 of each odd-numbered year thereafter.

As added by P.L.229-2011, SEC.44. Amended by P.L.160-2012, SEC.3; P.L.146-2016, SEC.2.

IC 4-10-22-3
Transfer of excess reserves

Sec. 3. (a) This subsection does not apply in calendar year 2016. If, after completing the presentation to the state budget committee described in section 2 of this chapter, the amount of the excess reserves is fifty million dollars ($50,000,000) or more, the governor shall do the following:

(1) If the year is calendar year 2013, transfer one hundred percent (100%) of the excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund. If the year is calendar year 2014 or the calendar year is 2017 or an odd-numbered year thereafter, transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.

(2) If the year is calendar year 2014 or the calendar year is 2017 or an odd-numbered year thereafter, use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.

(b) This subsection applies in calendar year 2016. If excess reserves exist, and after completing the calculation required in section 1 of this chapter and the presentation to the state budget committee described in section 2 of this chapter, the governor shall transfer one hundred percent (100%) of the excess reserves as follows:

(1) Fifty-five percent (55%) of the excess reserves transferred shall be transferred to the state highway fund.

(2) Forty-five percent (45%) of the excess reserves transferred shall be transferred to the local road and bridge matching grant fund established by IC 8-23-30.

This transfer shall be made from the state general fund. Money transferred to the state highway fund under this subsection is appropriated from the state highway fund to the Indiana department of transportation for the Indiana department of transportation's use for preserving and reconstructing existing state highways and bridges for which the Indiana department of transportation is responsible. Money transferred to the state highway fund under this subsection does not revert to the state general fund at the end of a state fiscal year.

As added by P.L.229-2011, SEC.44. Amended by P.L.160-2012, SEC.4; P.L.205-2013, SEC.61; P.L.91-2014, SEC.1; P.L.146-2016, SEC.3.

IC 4-10-22-4
Refund of excess reserves to taxpayers

Sec. 4. The following apply if sufficient excess state reserves are available to provide an automatic taxpayer refund to each taxpayer eligible for a refund:

(1) To qualify for a refund, a taxpayer:

(A) must have filed an Indiana resident individual adjusted gross income tax return for the taxpayer's taxable year ending in the calendar year immediately preceding the calendar year in which a determination is made under section 1 of this chapter that the state has excess reserves; and

(B) must have adjusted gross income tax liability for the taxpayer's taxable year ending in the calendar year in which a determination is made under section 1 of this chapter that the state has excess reserves.

(2) The amount of the refund is determined for each qualifying taxpayer as follows:

STEP ONE: Determine the total amount of excess state reserves that under section 3 of this chapter are available to provide automatic taxpayer refunds.

STEP TWO: Determine the total number of taxpayers that qualify for a refund under subdivision (1).

STEP THREE: Determine the result of:

(A) the STEP ONE result; divided by

(B) the STEP TWO result;

as rounded to the nearest dollar.

(3) The refund is a refundable credit that shall first be applied as a credit against adjusted gross income tax liability in the taxpayer's taxable year in which a refund is provided. Any remaining unused credit shall be refunded to the taxpayer. The credit may not be carried forward.

(4) If an individual and the individual's spouse are both qualifying taxpayers for purposes of this section for a taxable year and file a joint Indiana resident individual adjusted gross income tax return for the taxable year:

(A) the individual and the individual's spouse are considered two (2) taxpayers for purposes of determining the amount of the refund under subdivision (2) for a qualifying taxpayer; and

(B) the amount of the refund that the individual and the individual's spouse are entitled to claim is equal to the amount of any refund determined under subdivision (2) for a qualifying taxpayer, multiplied by two (2).

As added by P.L.229-2011, SEC.44. Amended by P.L.160-2012, SEC.5.

IC 4-10-22-5

Appropriation

Sec. 5. There is appropriated a sufficient amount in a state fiscal year to carry out this chapter.

As added by P.L.229-2011, SEC.44.

IC 4-10-23

Chapter 23. Motorsports Investment District Credits

IC 4-10-23-1

Application

Sec. 1. This chapter applies to a motorsports investment district established under IC 5-1-17.5.

As added by P.L.233-2013, SEC.4.

IC 4-10-23-2

"Commission"

Sec. 2. As used in this chapter, "commission" refers to the Indiana motorsports commission created under IC 5-1-17.5.

As added by P.L.233-2013, SEC.4.

IC 4-10-23-3

"Credit"

Sec. 3. As used in this chapter, "credit" refers to a credit provided to the owner or owners of the qualified motorsports facility for the preceding state fiscal year under section 12 of this chapter.

As added by P.L.233-2013, SEC.4.

IC 4-10-23-4

"District"

Sec. 4. As used in this chapter, "district" refers to a motorsports investment district established under IC 5-1-17.5.

As added by P.L.233-2013, SEC.4.

IC 4-10-23-5

"Gross retail base period amount"

Sec. 5. As used in this chapter, "gross retail base period amount" means the aggregate amount of state gross retail and use taxes remitted under IC 6-2.5 by a taxpayer during the full calendar year of 2012 with respect to its operations in a district.

As added by P.L.233-2013, SEC.4. Amended by P.L.190-2014, SEC.1.

IC 4-10-23-6

"Gross retail incremental amount"

Sec. 6. As used in this chapter, "gross retail incremental amount" means the remainder of:

(1) the aggregate amount of state gross retail and use taxes that are remitted under IC 6-2.5 by a taxpayer during a calendar year with respect to its operations in a district; minus

(2) the gross retail base period amount.

As added by P.L.233-2013, SEC.4. Amended by P.L.190-2014, SEC.2.

IC 4-10-23-7
"Income tax base period amount"

Sec. 7. As used in this chapter, "income tax base period amount" means the aggregate amount of state adjusted gross income taxes paid or remitted by or on behalf of a taxpayer during the calendar year of 2012 with respect to income earned or attributable to the taxpayer's activities in the district.

As added by P.L.233-2013, SEC.4. Amended by P.L.190-2014, SEC.3.

IC 4-10-23-8
"Income tax incremental amount"

Sec. 8. As used in this chapter, "income tax incremental amount" means the remainder of:

(1) the aggregate amount of state adjusted gross income taxes paid or remitted during a calendar year with respect to income earned or attributable to the taxpayer's activities in the district; minus

(2) the income tax base period amount.

As added by P.L.233-2013, SEC.4. Amended by P.L.190-2014, SEC.4.

IC 4-10-23-9
"Qualified motorsports facility"

Sec. 9. As used in this chapter, "qualified motorsports facility" has the meaning set forth in IC 5-1-17.5-14.

As added by P.L.233-2013, SEC.4.

IC 4-10-23-10
Calculation of incremental amounts; reporting

Sec. 10. (a) Before the first business day in October of each year, the department of state revenue shall calculate the income tax incremental amount and the gross retail incremental amount for the preceding calendar year for the district.

(b) Businesses operating in the district shall report, in the manner and in the form prescribed by the department of state revenue, information that the department determines necessary to calculate incremental gross retail, use, and income taxes.

(c) It is the intent of this section to identify all sales, use, and income taxes of all taxpayers that are apportionable to the taxpayer's activities in the district. This section shall be broadly construed by the department of state revenue in order to achieve the purposes of IC 5-1-17.5.

As added by P.L.233-2013, SEC.4. Amended by P.L.190-2014, SEC.5.

IC 4-10-23-11
Determination of incremental amounts and admissions fees for

preceding calendar year

Sec. 11. Before the first business day in November of each year, the department of state revenue shall determine the sum of the following amounts for the preceding calendar year for the district:

(1) The income tax incremental amount.

(2) The gross retail incremental amount.

(3) The amount of admissions fees deposited in the state general fund under IC 6-8-14.

As added by P.L.233-2013, SEC.4. Amended by P.L.190-2014, SEC.6.

IC 4-10-23-12

Notification of amounts determined; credits against obligations

Sec. 12. The department of state revenue shall annually notify the Indiana finance authority, the commission, the budget agency, and the owner or owners of a qualified motorsports facility of the sum of:

(1) the amount determined under section 11 of this chapter; and

(2) the amount reverted to the state general fund from the motorsports facility fund established under IC 5-1-17.5-30.5;

which sum shall be credited to the obligations of the owner or owners of a qualified motorsports facility in accordance with the provisions of IC 5-1-17.5.

As added by P.L.233-2013, SEC.4. Amended by P.L.190-2014, SEC.7.

IC 4-11

ARTICLE 11. LOANS OF STATE FUNDS AND MORTGAGES TO STATE

IC 4-11-1

Chapter 1. Procedures for Collection of Loans

IC 4-11-1-1

Loan greater than amount authorized by law; validity of security

Sec. 1. The bonds, mortgages, notes, or other evidences of debt, or instruments of writing, executed by any person or persons, or that may hereafter be executed, for loans of money of any of the trust or other funds of the state, authorized by law to be loaned, being the same are hereby declared not to be invalid on account of the amount of such loan being for a larger sum than was, is, or may be contemplated or authorized by law, but the same are hereby declared to be as valid and obligatory, in every respect, as if the loan for which the same are executed had been for no greater amount than was, by law, in such case contemplated or authorized.

(Formerly: Acts 1855, c.54, s.1.)

IC 4-11-1-2

Suits for recovery of loan; defense; loan greater than authorized by law; validity of title to land; liability of officers

Sec. 2. No borrower shall be permitted to defend any suit brought for the recovery of money on the ground that the officer who made the loan loaned a greater sum than the law authorized; nor shall any title to land, or lands and tenements, be considered invalid because the mortgage upon which it was or may be sold was or is or may be for a sum greater than the law authorized to be loaned. This chapter shall not be construed as to release any officer charged with the loaning of the funds, or any of them, or the officer's or their securities, from any liability incurred after August 17, 1855, for breach of duty.

(Formerly: Acts 1855, c.54, s.2.) As amended by P.L.5-1984, SEC.39; P.L.215-2016, SEC.69.

IC 4-11-1-3

Default; suits

Sec. 3. When any default is made in the payment of the principal or the interest of any loan from the sinking fund, surplus revenue fund, congressional township fund, college fund or any other of the trust or other funds of the state, suit shall, in the first instance, be brought upon the bond in every case where the obligor is considered responsible and where the mortgage is considered insufficient; and, ultimately, for any deficit, proceedings may be had upon the mortgage as now authorized.

(Formerly: Acts 1855, c.54, s.3.)

IC 4-11-1-4
Mortgage sales; state bidding in property; surplus sale proceeds

Sec. 4. In all cases where the mortgagor is considered of doubtful solvency, and the property, when offered for sale, will not bring the amount due on the mortgage, the state may bid in the property for what the same may be considered worth, and hold the mortgagor liable upon the mortgagor's bond for the deficiency. If the state subsequently sells any land that was bid in for more than the amount of principal, interest, damages, and costs due from the mortgagor or mortgagors, the mortgagor or mortgagors shall be entitled to the surplus.

(Formerly: Acts 1855, c.54, s.4.) As amended by P.L.215-2016, SEC.70.

IC 4-11-1-5
Substitutions; diminishing security

Sec. 5. The laws limiting the amount to be loaned by the officers having charge of the funds shall not prevent substitutions, but the substitutions may be made by the borrower, or any third person by the person's consent where the officer having control of the fund believes the interest of the fund will not suffer. The mortgaged security shall, in no case, be diminished, but may be increased, if considered insufficient.

(Formerly: Acts 1855, c.54, s.5.) As amended by P.L.215-2016, SEC.71.

IC 4-11-1-6
Repealed

(Formerly: Acts 1855, c.54, s.6. As amended by Acts 1978, P.L.2, SEC.405. Repealed by P.L.126-2012, SEC.8.)

IC 4-11-2

Chapter 2. Release of Certain Mortgages to State or State Trust Funds

IC 4-11-2-1

Loans of state funds; release of mortgages; evidence of payment

Sec. 1. (a) In all cases where lands in this state have been mortgaged to the state of Indiana, or to trustees or to custodians of the funds hereinafter named, or to the officers having had control and management prior to January 1, 1900, to secure the loans of the Indianapolis funds, the bank tax fund, the treasury fund, the congressional fund, the saline fund, the sinking fund, the state surplus revenue fund, the county surplus fund, the state university fund, the college fund, the seminary fund, the permanent endowment fund and all other state trust funds of this state, except the common school fund, and the loans have been paid and not released, or not legally and properly released of record, or, having been released, the releases have been lost before being recorded in the proper recorder's office, the auditor of state of the state of Indiana is authorized and directed to execute a release of the mortgage under the auditor of state's hand and the seal of the auditor of state's office.

(b) In case evidence of the payment of mortgage debts appears in the records in the office of the auditor of state, or in the office of the treasurer of state, then the release of the mortgage shall be executed without further proof, but if not, then the auditor of state shall require documentary evidence and affidavits or other proof to be filed in the auditor of state's office, which shall establish to the auditor of state's satisfaction the fact of full payment of the mortgage debt, and the auditor of state shall release the mortgage.

(Formerly: Acts 1919, c.28, s.1.) As amended by P.L.215-2016, SEC.72.

IC 4-11-2-2

School fund mortgages; examination of records

Sec. 2. (a) Because there exists in recorder's offices in various counties a large number of school fund mortgages that:

(1) appear unsatisfied of record; and

(2) have been paid;

the county auditor of any county where the mortgaged lands are situated, when requested by the mortgagor or owner of the mortgaged lands, shall examine the ledgers or other records of the county auditor's office and compare the records with the receipts of money for school fund mortgages in the treasurer's office of the county.

(b) If, upon the examination and comparison, and according to all facts that are known to the county auditor, or that come to the county auditor's knowledge, the county auditor finds that a mortgage in the recorder's office of the county that appears unsatisfied of record has been paid, the county auditor shall make an entry of satisfaction upon

the margin of the record in the recorder's office, showing the mortgage as paid.

(c) The mortgagor or owner of the lands shall pay to the county auditor a fee of twenty-five cents ($0.25) for services provided under this section. The mortgagor or owner shall also pay to the recorder the county recorder's fee provided for releasing mortgages.

As added by P.L.2-2006, SEC.4.

IC 4-11-2-3

School fund mortgages; counties; settlement of claim

Sec. 3. If:

(1) a person has purchased and been granted a deed of conveyance to any lands sold for delinquent taxes by the county treasurer of any county;

(2) at the time when the lands were sold, there was an unpaid school fund loan, secured by mortgage, on the lands, and the mortgage was foreclosed by the county after the sale; and

(3) through the foreclosure proceedings, the county acquired title to the lands;

the board of commissioners of the county in which the lands are situated may pay to the person who holds the tax deed to the lands any sum that may be agreed upon, not exceeding the amount that the purchaser paid for the lands at the tax sale, together with an amount equal to any taxes that the purchaser of the lands paid, not including any interest, on the condition that the holder of the tax deed to the lands execute to the board of commissioners of the county a quitclaim deed to the lands. All expenditures authorized under this section shall be paid out of the county general fund without any appropriation being made for the expenditure.

As added by P.L.2-2006, SEC.5.

IC 4-11-3

Chapter 3. Release of Mortgages to Secure Loans of United States Government Surplus Revenue Funds

IC 4-11-3-1

State auditor; satisfaction of mortgages; security for loans of United States government surplus revenue funds

Sec. 1. The auditor of state is authorized to enter satisfaction of the mortgages executed to the state of Indiana to secure loans made by the agents of the state appointed in the several counties of the state to loan the surplus revenue funds deposited with the state by the government of the United States and apportioned to the several counties of the state, and now remaining unsatisfied upon the records in the recorders' offices of the several counties of the state.

(Formerly: Acts 1889, c.172, s.1.) As amended by P.L.215-2016, SEC.73.

IC 4-12

ARTICLE 12. APPROPRIATIONS MANAGEMENT

IC 4-12-1

Chapter 1. The Budget Agency

IC 4-12-1-1

Short title; purposes

Sec. 1. (a) This chapter shall be known and may be cited as the budget agency law.

(b) Its general purposes and policies may be perceived only from the entire chapter, but among them are four (4) of particular significance, namely:

(1) Vesting in the budget agency duties and functions and rights and powers which make the execution and administration of all appropriations made by law the exclusive prerogative and authority of that agency, and otherwise denying such prerogative and authority to the budget committee.

(2) Designating an officer of the executive department and four (4) members of the general assembly as members of the budget committee through which they may work between regular sessions of the general assembly and cooperatively propose and recommend to the general assembly the appropriations which appear to be necessary to carry on state government in the succeeding budget period.

(3) Giving the members of the budget committee, who are members of the general assembly, the authority to engage in activities incidental and germane to their legislative powers, including investigations of appropriations made and to be made by law, before and after sessions of the general assembly.

(4) Making the gathering of information, data, and expert opinion, with reference to the revenues of the state from current sources, and with reference to procuring additional revenues to meet appropriations which may be recommended, and making the evaluation of such data and opinion and of appropriations requested by agencies of the state, the concurrent prerogative and authority of the budget committee and the budget agency.

(Formerly: Acts 1961, c.123, s.1.) As amended by Acts 1977, P.L.28, SEC.1; P.L.3-1986, SEC.4.

IC 4-12-1-2

Definitions

Sec. 2. As used in this chapter unless a different meaning appears from the context:

(a) The word "committee" means the budget committee.

(b) The word "director" or the term "budget director" means the person who is director of the budget agency.

(c) The term "appointing authority" means the head of an agency

of the state.

(d) The terms "agency of the state" or "agencies of the state" or "state agency" or "state agencies" mean and include every office, officer, board, commission, department, division, bureau, committee, fund, agency, and, without limitation by reason of any enumeration herein, every other instrumentality of the state of Indiana, now existing or which may be created hereafter; every hospital, every penal institution and every other institutional enterprise and activity of the state of Indiana, wherever located; the universities and colleges supported in whole or in part by state funds; the judicial department of the state of Indiana; and all non-governmental organizations receiving financial support or assistance from the state of Indiana; but shall not mean nor include cities, towns, townships, school cities, school towns, school districts, nor other municipal corporations or political subdivisions of the state.

(e) The terms "budget bill," or "budget bills," shall mean a bill for an act, or two (2) or more such bills, prepared as authorized in this chapter, by which substantially all of the appropriations are made that are necessary and required to carry on state government for the budget period, if and when such bill is, or such bills are, enacted into law.

(f) The term "budget report" shall mean a written explanation of the budget bill or bills, and a general statement of the reasons for the appropriations therein and of the sources and extent of state income to meet such appropriations, together with such further parts as are required by law.

(g) The term "budget period" means that period of time for which appropriations are made in the budget bill or budget bills.

(Formerly: Acts 1961, c.123, s.2.) As amended by Acts 1977, P.L.28, SEC.2; P.L.233-2015, SEC.4.

IC 4-12-1-3

Creation of budget agency; director; establishment of budget committee

Sec. 3. (a) A budget agency is created as an agency of the state. A director, appointed by the governor to serve at the governor's will and pleasure, shall be the chief executive officer of the agency and shall be known as the budget director. The director shall receive the salary fixed by the governor and shall give all of the director's time to the director's office and the budget agency. The director shall execute a bond as shall be approved by the governor, conditioned for the faithful discharge of the director's official duties, and an oath of office, and both shall be filed with the secretary of state.

(b) A budget committee consisting of five (5) regular members and four (4) alternate members is established: One (1) regular member is the budget director, while in office. The four (4) remaining regular members must be legislators selected in the following manner. Two (2) members must be senators appointed by

the president pro tempore of the senate, one (1) of whom shall be nominated by the leader of the minority political party of the senate. Two (2) members must be representatives appointed by the speaker of the house of representatives, one (1) of whom shall be nominated by the leader of the minority political party of the house of representatives. Legislative appointments to the budget committee shall be made within fifteen (15) days after the official selection of the president pro tempore of the senate and the speaker of the house of representatives. Each member appointed by the president pro tempore of the senate and each member appointed by the speaker of the house of representatives shall serve at the will and pleasure of the member's respective appointing leadership or until the member's term as a member of the general assembly expires, whichever is shorter. Vacancies occurring in the legislative appointments to the budget committee shall be filled for the unexpired term by the president pro tempore of the senate or speaker of the house last elected in like manner as if appointment to the vacant offices were being made originally. Nominations shall be made by the persons above mentioned in this section who were elected and selected at the last preceding session of the general assembly. When there is no legislative officer entitled to fill vacancies, the governor shall fill the vacancies from among members and members-elect of the senate and of the house of representatives who are members of the same house and political party as the vacating member. Any appointee of the governor shall serve for the unexpired term of the vacating member or until the first day of the next session of the general assembly.

The four (4) alternate members of the budget committee must be legislators selected in the manner described in this section for the appointment of the four (4) regular legislative members of the budget committee. An alternate member is entitled to participate in the budget committee meetings in the same manner as the regular members, except that the alternate member is entitled to vote only if the regular member from the alternate member's respective house and political party is not present for the vote. The alternate members shall serve the same term of office as the regular members of the budget committee.

(Formerly: Acts 1961, c.123, s.3.) As amended by Acts 1977, P.L.28, SEC.3; P.L.3-1986, SEC.5; P.L.215-2016, SEC.74.

IC 4-12-1-4

Deputy budget directors; staff members, assistants, employees, and clerks; experts

Sec. 4. (a) Two (2) offices are created in the budget agency which shall be responsible to, and junior and subordinate to, the budget director. The persons to fill the offices shall be appointed by the governor to serve at the governor's will and pleasure, shall not be adherents of the same political party, shall receive the salary fixed by the governor, shall give all of their time to the respective offices and

to the budget agency, and each shall be a deputy budget director. The director shall designate the order in which the deputy directors shall serve in the place and stead of the budget director in the event of the director's disability or absence.

(b) The budget director is authorized to employ staff members, assistants, employees, and clerks as the budget director shall require to discharge efficiently and economically the duties and functions and rights and powers of the budget agency. Within this authority the director may employ on a part-time or advisory basis the services of experts in the field of public revenue and public finance and the administration as the services are desirable or necessary in the effective management and operation of the budget agency and in the discharge of its duties and functions.

(c) Promptly upon the receipt of a request from the budget committee, the budget director shall provide the assistants, employees, clerks, and experts as are reasonably required to permit prompt and efficient discharge of the duties and functions and work of the budget committee. To the extent that assistants, employees, clerks, and experts ordinarily employed by the budget agency are available and are not required by the budget agency to execute and administer appropriations made by law, the budget director shall employ these persons to serve the budget committee.

(Formerly: Acts 1961, c.123, s.4.) As amended by Acts 1977, P.L.28, SEC.4; P.L.215-2016, SEC.75.

IC 4-12-1-5

Budget director, budget committee, deputy budget directors, officers, and employees; qualifications; financial interest in contracts and appropriations

Sec. 5. The budget director, and the members of the budget committee, and the deputy budget directors, and other officers and the employees of the budget agency shall be persons of known probity and shall possess adequate capacity and training for the work they are to do. No person shall be appointed budget director, or deputy budget director, or a member of the budget committee, or become an officer or employee of the budget agency who has any contract pending with the state, either directly or indirectly, or who shall be financially interested, directly or indirectly, in any appropriation made by law or in any requested appropriation which may come before the budget agency or the budget committee. Persons may be appointed or employed as above notwithstanding the foregoing limitations whose only financial interest in appropriations is in those for personal service from which they are or will be paid for service rendered under this chapter, or for service at any state agency, or for both services.

(Formerly: Acts 1961, c.123, s.5.) As amended by Acts 1977, P.L.28, SEC.5.

IC 4-12-1-6

State agencies; forms; reporting statistical data and information for budget bill or report

Sec. 6. When requested so to do by the governor, or by the budget director, other agencies of the state shall assist the budget agency in the effective discharge of its duties and functions. Any such agency shall employ its equipment and facilities to assist the budget agency to prepare the data and information for a recommended or final budget report and budget bill. The budget agency shall create and prepare forms required for the administration of this chapter, and forms necessary for machine accounting to permit accumulation of statistical data and information required by the budget agency and the budget committee. Every state agency, except the universities and colleges, shall adopt such forms and reporting procedures as are created and prepared by the budget agency for administration and execution of appropriations made by law, when such forms and procedures have been otherwise approved in the manner required by law.

(Formerly: Acts 1961, c.123, s.6.) As amended by Acts 1977, P.L.28, SEC.6.

IC 4-12-1-7

Statements of state agencies; filing; examination; recommendations for budget report

Sec. 7. (a) On or before the first day of September, in any year that the budget director makes a request under this chapter, each and every state agency shall prepare and file with the budget agency on forms designated by it a written statement, showing in detail the following:

(1) The several amounts actually expended for the administration, operation, maintenance and support of such state agency for at least the two (2) fiscal years which ended immediately preceding such first day of September, and the several amounts estimated by such state agency to be actually expended for the fiscal year to end on June 30 following the next regular session of the general assembly; and the actual and estimated income of such state agency for like periods.

(2) An estimate of the necessary expenditures of such state agency for the proposed budget period as specified in the budget director's request beginning on the first day of July of the calendar year next succeeding the filing of such statement; such estimates or requests for appropriations to defray the estimated expenditures of such department shall be set forth separately for each fiscal year; and the estimated income of such state agency for like period.

(3) A written statement showing concisely the reasons for all estimated expenditures and requests for appropriations contemplated in the preceding subdivision (2), showing

particularly the reason for any requested increase or decrease over former appropriations.

(4) Proposals for expenditures for new projects, special purposes or objects, construction, additions, building, improvements, undertakings or expansion of the work of any state agency requiring additional expenditures and capital outlays.

(5) Any other information related to the subject matter of the preceding subdivisions of this subsection (a), or otherwise required to effect the purposes of this chapter, to the extent the budget agency or budget committee deems such information necessary or required, including when requested, citations to any statutes regulating, governing or providing for continuing annual appropriations, fees or other sources of income.

(b) The budget agency shall examine such written statements and review and analyze all of the information, data, estimates, requests for appropriations and for other authorizations to spend state funds as the several state agencies have prepared and filed them. As promptly as possible the budget agency shall complete its examination, review and analysis and shall prepare recommendations for a budget report, and from time to time shall submit these to the budget committee for its consideration at one of its meetings.

(Formerly: Acts 1961, c.123, s.7.) As amended by Acts 1977, P.L.28, SEC.7.

IC 4-12-1-8

Estimates for budget report; investigation and examination of state agencies; hearings by budget committee

Sec. 8. (a) In preparing the various estimates for the budget report, the budget agency may require any state agency to prepare and file with it additional or more detailed information and the director, or any duly authorized employee of the budget agency, may enter and investigate the operation of any state agency, and may examine its records as authorized by the director. A written report of the investigation and examination shall be prepared and filed in the budget agency. The foregoing report shall be made available to the budget committee for review and to aid in its determination of the several amounts or estimates for appropriations the budget committee may recommend for inclusion in the budget report and in the budget bills prepared pursuant to the authority of this chapter.

(b) Upon its own initiative or at the request of any state agency, the budget committee may arrange a hearing or hearings devoted to any matter pertinent to the preparation of a budget report and budget bill at which representatives of the interested state agency, or any citizen, may appear and be heard. As allowed by the committee's policies and procedures, general information and relevant and material evidence, and explanation and argument may then be presented to the budget committee members that will assist them in

the performance of their respective duties under this chapter.
(Formerly: Acts 1961, c.123, s.8.) As amended by Acts 1977, P.L.28, SEC.8.

IC 4-12-1-9
Budget report; budget bill; governor's duties; distribution of copies of bill; general assembly committee hearings

Sec. 9. (a) The budget agency shall assist the budget committee in the preparation of the budget report and the budget bill, using the recommendations and estimates prepared by the budget agency and the information obtained through investigation and presented at hearings. The budget committee shall consider the data, information, recommendations and estimates before it and, to the extent that there is agreement on items, matters and amounts between the budget agency and a majority of the members of the budget committee, the committee shall organize and assemble a budget report and a budget bill or budget bills. In the event the budget agency and a majority of the members of the budget committee shall differ upon any item, matter, or amount to be included in such report and bills, the recommendation of the budget agency shall be included in the budget bill or bills, and the particular item, matter or amount, and the extent of and reasons for the differences between the budget agency and the budget committee shall be stated fully in the budget report. The budget committee shall submit the budget report and the budget bill or bills to the governor before:

(1) the second Monday of January in the year immediately following the calendar year in which the budget report and budget bill or bills are prepared, if the budget report and budget bill or bills are prepared in a calendar year other than a calendar year in which a gubernatorial election is held; or

(2) the third Monday of January, if the budget report and budget bill or bills are prepared in the same calendar year in which a gubernatorial election is held.

The governor shall deliver to the house members of the budget committee such bill or bills for introduction into the house of representatives.

(b) Whenever during the period beginning thirty (30) days prior to a regular session of the general assembly the budget report and budget bill or bills have been completed and printed and are available for distribution, upon the request of a member of the general assembly an informal distribution of one (1) copy of each such document shall be made by the budget committee to such members. During business hours, and as may be otherwise required during sessions of the general assembly, the budget agency shall make available to the members of the general assembly so much as they shall require of its accumulated staff information, analyses and reports concerning the fiscal affairs of the state and the current budget report and budget bill or bills.

(c) The budget report shall include at least the following parts:

(1) A statement of budget policy, including but not limited to recommendations with reference to the fiscal policy of the state for the coming budget period, and describing the important features of the budget.

(2) A general budget summary setting forth the aggregate figures of the budget to show the total proposed expenditures and the total anticipated income, and the surplus or deficit.

(3) The detailed data on actual receipts and expenditures for the previous fiscal year or two (2) fiscal years depending upon the length of the budget period for which the budget bill or bills is proposed, the estimated receipts and expenditures for the current year, and for the ensuing budget period, and the anticipated balances at the end of the current fiscal year and the ensuing budget period. Such data shall be supplemented with necessary explanatory schedules and statements, including a statement of any differences between the recommendations of the budget agency and of the budget committee.

(4) A description of the capital improvement program for the state and an explanation of its relation to the budget.

(5) The budget bills.

(6) A list of tax expenditures for individual income tax and corporate income tax under IC 6-3.1 for the previous fiscal year, the current fiscal year, and the ensuing budget period.

(d) The budget report shall cover and include all special and dedicated revenue funds as well as the general revenue fund and shall include the estimated amounts of federal aids, for whatever purpose provided, together with estimated expenditures therefrom.

(e) The budget agency shall furnish the governor with any further information required concerning the budget, and upon request shall attend hearings of committees of the general assembly on the budget bills.

(Formerly: Acts 1961, c.123, s.9; Acts 1967, c.96, s.1.) As amended by Acts 1977, P.L.28, SEC.9; P.L.205-2013, SEC.62; P.L.213-2015, SEC.41.

IC 4-12-1-10

Budget committee; meetings; time

Sec. 10. The budget committee shall meet at least once during the two (2) month period after adjournment of each regular session of the general assembly sine die and upon call of the chairman. The committee shall fix the time and place for such meetings.

(Formerly: Acts 1961, c.123, s.10.) As amended by Acts 1977, P.L.28, SEC.10; P.L.134-2012, SEC.2.

IC 4-12-1-11

Budget committee; functions; compensation

Sec. 11. (a) In addition to cooperating in the preparation of a

recommended budget report and budget bill as herein provided, the chief functions of the budget committee shall be to serve as liaison between the legislative and executive, including the administrative branches of government, and to provide information to the general assembly with respect to the management of state fiscal affairs so that it may have a better insight into the budgetary and appropriation needs of the various state agencies. To perform such functions the budget committee may:

(1) Select a chairman and such other officers as the members desire, and hold meetings at stated intervals, and on call of the chairman.

(2) Make such policies and procedures concerning its organization and operation as are deemed advisable but IC 4-22-2 shall not apply thereto.

(3) Have access to all files, information gathered and reports of the budget agency.

(4) Inspect any state agency in order to obtain accurate information concerning its budgetary needs and fiscal management, and examine all of its records and books of account.

(5) Subpoena witnesses and records, examine witnesses under oath, hold hearings, and exercise all the inherent powers of an interim legislative committee for study of budgetary affairs and fiscal management.

(6) Attend meetings of appropriate committees of the general assembly and furnish it with information and advice.

(7) Make such general or special reports to the budget agency and to the general assembly as are deemed advisable. A report to the general assembly under this subdivision must be in an electronic format under IC 5-14-6.

(b) The salary per diem of the legislative members of the budget committee is seventy dollars ($70) per day each for the time necessarily employed in the performance of their duties, and as provided by law all necessary traveling and hotel expenses, in addition to their legislative salary and legislative expense allowance, fixed by law as members of the general assembly. However, the salary per diem provided in this section is in lieu of any other per diem allowances available for the same day to legislative members of the budget committee in their capacity as members of other legislative committees or commissions.

(Formerly: Acts 1961, c.123, s.11.) As amended by Acts 1977, P.L.28, SEC.11; P.L.28-2004, SEC.35.

IC 4-12-1-11.5

Agency action requiring budget committee review; placement on committee agenda

Sec. 11.5. For purposes of any statute that requires budget committee review before an action may be taken by a state agency or

other entity, budget committee review is considered to have taken place when the action requiring review has been included on an approved agenda of the budget committee in the part of the agenda concerning review items.
As added by P.L.224-2003, SEC.278.

IC 4-12-1-12
Appropriation lists; allotment system; transfer; emergency or contingency appropriations

Sec. 12. (a) Within forty-five (45) days following the adjournment of the regular session of the general assembly, the budget agency shall examine the acts of such general assembly and, with the aid of its own records and those of the budget committee, shall prepare a complete list of all appropriations made by law for the budget period beginning on July 1 following such regular session, or so made for such other period as is provided in the appropriation. While such list is being made by it the budget agency shall review and analyze the fiscal status and affairs of the state as affected by such appropriations. A written report thereof shall be made and signed by the budget director and shall be transmitted to the governor and the auditor of state. The report shall be transmitted in an electronic format under IC 5-14-6 to the general assembly.

(b) Not later than the first day of June of each calendar year, the budget agency shall prepare a list of all appropriations made by law for expenditure or encumbrance during the fiscal year beginning on the first day of July of that calendar year.

(c) Within sixty (60) days following the adjournment of any special session of the general assembly, or within such shorter period as the circumstances may require, the budget agency shall prepare for and transmit to the governor and members of the general assembly and the auditor of state, like information and a list of sums appropriated, all as is done upon the adjournment of a regular session, pursuant to subsections (a) and (b) to the extent the same are applicable. The budget agency shall transmit any information under this subsection to the general assembly in an electronic format under IC 5-14-6.

(d) The budget agency shall administer the allotment system provided in IC 4-13-2-18.

(e) The budget agency may transfer, assign, and reassign any appropriation or appropriations, or parts of them, excepting those appropriations made to the Indiana state teacher's retirement fund established by IC 5-10.4-2, made for one (1) specific use or purpose to another use or purpose of the agency of state to which the appropriation is made, but only when the uses and purposes to which the funds transferred, assigned and reassigned are uses and purposes the agency of state is by law required or authorized to perform. No transfer may be made as in this subsection authorized unless upon the request of and with the consent of the agency of state whose

appropriations are involved. Except to the extent otherwise specifically provided, every appropriation made and hereafter made and provided for any specific use or purpose of an agency of the state is and shall be construed to be an appropriation to the agency, for all other necessary and lawful uses and purposes of the agency, subject to the aforesaid request and consent of the agency and concurrence of the budget agency. Whenever the budget agency makes a determination to transfer, assign, or reassign any appropriation or appropriations or parts of them from one (1) dedicated fund to another or to the state general fund, the budget agency shall notify the budget committee within thirty (30) days and state the reason for the transfer.

(f) One (1) or more emergency or contingency appropriations for each fiscal year or for the budget period may be made to the budget agency. Such appropriations shall be in amounts definitely fixed by law, or ascertainable or determinable according to a formula, or according to appropriate provisions of law taking into account the revenues and income of the agency of state. No transfer shall be made from any such appropriation to the regular appropriation of an agency of the state except upon an order of the budget agency made pursuant to the authority vested in it hereby or otherwise vested in it by law.

(Formerly: Acts 1961, c.123, s.12; Acts 1972, P.L.31, SEC.1.) As amended by Acts 1977, P.L.28, SEC.12; P.L.28-2004, SEC.36; P.L.2-2006, SEC.6; P.L.146-2008, SEC.13; P.L.205-2013, SEC.63.

IC 4-12-1-12.5

"Block grant" defined; transfers of funds

Sec. 12.5. (a) As used in this section, "block grant" means a block grant established by the federal Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

(b) The governor may transfer funds between block grants only in an amount authorized by state law.

As added by Acts 1982, P.L.21, SEC.2.

IC 4-12-1-13

Inspection of state institutions; compensation of state employees; review by budget agency; application of budget agency policies and procedures to certain officials or agencies; allotments for state educational institutions

Sec. 13. (a) During the interval between sessions of the general assembly, the budget agency shall make regular or, at the request of the governor, special inspections of the respective institutions of the state supported by public funds. The budget agency shall report regularly to the governor relative to the physical condition of such institutions, and any contemplated action of the institution on a new or important matter, and on any other subject which such agency may deem pertinent or on which the governor may require information.

The budget agency shall likewise familiarize itself with the best and approved practices in each of such institutions and supply such information to other institutions to make their operation more efficient and economical.

(b) Except as to officers and employees of state educational institutions, the executive secretary of the governor, the administrative assistants to the governor, the elected officials, and persons whose salaries or compensation are fixed by the governor pursuant to law, the annual compensation of all persons employed by agencies of the state shall be subject to the approval of the budget agency. Except as otherwise provided by IC 4-15-2.2, the budget agency shall establish classifications and schedules for fixing compensation, salaries and wages of all classes and types of employees of any state agency or state agencies, and any and all other such classifications affecting compensation as the budget agency shall deem necessary or desirable. The classifications and schedules thus established shall be filed in the office of the budget agency. Requests by an appointing authority for salary and wage adjustments or personal service payments coming within such classifications and schedules shall become effective when approved by, and upon the terms of approval fixed by, the budget agency. All personnel requests pertaining to the staffing of programs or agencies supported in whole or in part by federal funds are subject to review and approval by the state personnel department under IC 4-15-2.2.

(c) The budget agency shall review and approve, for the sufficiency of funds, all payments for personal services which are submitted to the auditor of state for payment.

(d) The budget agency shall review all contracts for personal services or other services and no contract for personal services or other services may be entered into by any agency of the state before the written approval of the budget agency is given. Each demand for payment submitted by an agency to the auditor of state under these contracts must be accompanied by a copy of the budget agency approval. No payment may be made by the auditor of state without such approval. However, this subsection does not apply to a contract entered into by:

(1) a state educational institution; or

(2) an agency of the state if the contract is not required to be approved by the budget agency under IC 4-13-2-14.1.

(e) The budget agency shall review and approve the policy and procedures governing travel prepared by the department of administration under IC 4-13-1, before the travel policies and procedures are distributed.

(f) Except as provided in subsections (g), (h), and (i), the budget agency may adopt such policies and procedures not inconsistent with law as it may deem advisable to facilitate and carry out the powers and duties of the agency, including the execution and administration of all appropriations made by law. IC 4-22-2 does not apply to these

policies and procedures.

(g) The budget agency may not enforce or apply any policy or procedure, unless specifically authorized by this chapter or an applicable statute, against or in relation to the following officials or agencies, unless the official or agency consents to comply with the policy or procedure, or emergency circumstances justify extraordinary measures to protect the state's budget or fiscal reserves:

(1) The judicial department of the state.

(2) The general assembly, the legislative services agency, or any other entity of the legislative department of the state.

(3) The attorney general.

(4) The auditor of state.

(5) The secretary of state.

(6) The superintendent of public instruction.

(7) The treasurer of state.

(h) The budget agency may not enforce a policy or procedure against an official or an agency specified in subsection (g)(1) through (g)(7) by refusing to allot money from the personal services/fringe benefits contingency fund to the official or agency.

(i) The budget agency may not withhold or refuse to allot appropriations for a state educational institution without review by the budget committee.

(Formerly: Acts 1961, c.123, s.13; Acts 1971, P.L.25, SEC.1.) As amended by Acts 1977, P.L.28, SEC.13; P.L.3-1989, SEC.17; P.L.26-1989, SEC.1; P.L.1-2005, SEC.58; P.L.2-2007, SEC.28; P.L.100-2012, SEC.2; P.L.205-2013, SEC.64; P.L.213-2015, SEC.42.

IC 4-12-1-13.5

Determination and certification of state agency costs; appropriation from dedicated funds

Sec. 13.5. (a) The budget director may determine on or after July 1 of each fiscal year the costs of operating, during the preceding fiscal year, the office of the auditor of state, the office of attorney general, the office of the treasurer of state, the department of administration, the budget agency and any other state agency that the budget director determines is attributable to the operations of other state agencies. The budget director shall establish a formula to determine those costs.

(b) When the budget director has determined the total attributable amount of those costs for each of the state agencies, the budget director shall certify those amounts to the auditor of state and shall transmit a duplicate of the certification to the treasurer of state.

(c) The amount certified by the budget director for an agency supported by any dedicated fund is appropriated to pay that cost from the dedicated fund used to support that agency. On receipt of the certification of the budget director, the auditor of state shall transfer from the dedicated funds to the state general fund the amounts

certified by the budget director. The auditor of state shall make the appropriate entries in the records of those dedicated funds. The treasurer of state shall make the appropriate entries in the treasurer of state's records.

As added by Acts 1977, P.L.27, SEC.2. Amended by P.L.18-1991, SEC.2; P.L.215-2016, SEC.76.

IC 4-12-1-14

Repealed

(Formerly: Acts 1961, c.123, s.13a; Acts 1969, c.383, s.1. As amended by Acts 1977, P.L.28, SEC.14; P.L.28-2004, SEC.37. Repealed by P.L.213-2015, SEC.43.)

IC 4-12-1-14.1

Repealed

(As added by Acts 1977, P.L.27, SEC.3. Amended by P.L.3-1990, SEC.16. Repealed by P.L.213-2015, SEC.44.)

IC 4-12-1-14.2

Oil overcharge funds; appropriation to division of family resources; amount

Sec. 14.2. Notwithstanding any other law, all oil overcharge funds received from the federal government are annually appropriated to the lieutenant governor for the lieutenant governor's use in carrying out the home energy assistance program. The amount of this annual appropriation for a state fiscal year is equal to:

(1) the total amount necessary to carry out the program during that fiscal year; minus

(2) the amount of federal low income energy assistance funds available for the program during that state fiscal year.

As added by P.L.17-1990, SEC.1. Amended by P.L.2-1992, SEC.30; P.L.145-2006, SEC.4; P.L.181-2006, SEC.15; P.L.1-2010, SEC.6.

IC 4-12-1-14.3

Tobacco master settlement agreement fund

Sec. 14.3. (a) As used in this section, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

(b) There is hereby created the Indiana tobacco master settlement agreement fund for the purpose of depositing and distributing money received under the master settlement agreement. The fund consists of:

(1) all money received by the state under the master settlement agreement;

(2) appropriations made to the fund by the general assembly; and

(3) grants, gifts, and donations intended for deposit in the fund.

(c) The fund shall be administered by the budget agency. Notwithstanding IC 5-13, the treasurer of state shall invest the money

in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the Indiana public retirement system under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(d) The state general fund is not liable for payment of a shortfall in expenditures, transfers, or distributions from the Indiana tobacco master settlement agreement fund or any other fund due to a delay, reduction, or cancellation of payments scheduled to be received by the state under the master settlement agreement. If such a shortfall occurs in any state fiscal year, the budget agency shall make the full transfer to the regional health facilities construction account and then reduce all remaining expenditures, transfers, and distributions affected by the shortfall.

As added by P.L.273-1999, SEC.232. Amended by P.L.21-2000, SEC.1; P.L.291-2001, SEC.52; P.L.224-2003, SEC.117; P.L.35-2012, SEC.16.

IC 4-12-1-14.5

Mortgage foreclosure multistate settlement fund; energy assistance

Sec. 14.5. (a) The mortgage foreclosure multistate settlement fund is established for the purpose of depositing and distributing money received under a multistate agreement related to litigation concerning mortgage foreclosure activities by creditors and mortgage servicers. The fund consists of:

(1) money that:

(A) is received by the state under the multistate agreement related to litigation concerning mortgage foreclosure activities; and

(B) is designated by the attorney general for deposit in the fund;

(2) appropriations made to the fund by the general assembly; and

(3) grants, gifts, and donations intended for deposit in the fund.

(b) The fund shall be administered by the budget agency. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees' retirement fund under IC 5-10.3-5. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(c) Not later than September 1 of each year, the office of the lieutenant governor shall report to the budget agency the total amount that was used to provide home energy assistance during the

previous state fiscal year through the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq. administered under IC 4-4-33-1. The budget agency shall determine the amount of gross retail tax revenue that was collected during the preceding state fiscal year on the amount of home energy assistance reported to the budget agency.

(d) An amount equal to the amount of gross retail tax revenue determined by the budget agency under subsection (c) is appropriated from the fund to the office of the lieutenant governor to establish a separate state home energy assistance program to be administered under IC 4-4-33-1. The separate state home energy assistance program shall be used to provide home energy assistance exclusively for individuals who own a home, using the same eligibility standards as those used for the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq. The budget agency shall allot the amount determined under subsection (c) from the fund before October 1 each year.

(e) The state general fund is not liable for payment of a shortfall in expenditures, transfers, or distributions from the fund or any other fund due to a delay, reduction, or cancellation of payments scheduled to be received by the state under the multistate agreement related to litigation concerning mortgage foreclosure activities.

As added by P.L.58-2012, SEC.1.

IC 4-12-1-14.7

Securities rating settlement fund; administration by budget agency; distribution of money in the fund

Sec. 14.7. (a) The securities rating settlement fund is established for the purpose of depositing and distributing money received under a multistate agreement related to litigation concerning the rating processes used by Standard & Poor's Financial Services and McGraw Hill Financial, Inc.

(b) All money that is received by the state under the multistate agreement described in subsection (a) shall be deposited in the fund.

(c) The fund shall be administered by the budget agency. Money in the fund at the end of the state fiscal year does not revert to the state general fund.

(d) Money deposited into the fund shall be distributed by the auditor of state as follows:

(1) Sixty-seven and sixty-seven hundredths percent (67.67%) shall be transferred to the state general fund.

(2) Sixteen and one hundred sixty-five thousandths percent (16.165%) shall be transferred to the securities division enforcement account established by IC 23-19-6-1.

(3) Sixteen and one hundred sixty-five thousandths percent (16.165%) shall be transferred to the consumer fees and settlements fund.

As added by P.L.213-2015, SEC.45.

IC 4-12-1-14.9

State bicentennial capital account; administration by budget agency; use of money in the account

Sec. 14.9. (a) As used in this section, "account" refers to the state bicentennial capital account established by subsection (c).

(b) As used in this section, "bicentennial commission" refers to the Indiana 2016 bicentennial commission established by IC 4-23-33-3.

(c) The state bicentennial capital account is established within the state general fund for the purposes set forth in subsection (f). The account shall be administered by the budget agency. The account consists of the following:

(1) Money transferred to the account under IC 4-13-1-4(10) or IC 8-15.5-1-2(g).

(2) Appropriations, if any, made by the general assembly.

(3) Grants and gifts intended for deposit in the account.

(4) Any earnings on money in the account.

(d) The expenses of administering the account shall be paid from money in the account.

(e) Money in the account at the end of the state fiscal year does not revert to the state general fund.

(f) Money in the account may be used only for capital projects that commemorate the bicentennial of Indiana's statehood.

(g) The budget agency shall consult with the bicentennial commission in making a determination to expend money from the account for the purposes under subsection (f).

As added by P.L.213-2015, SEC.46.

IC 4-12-1-15

Emergency or contingency appropriations; standards for allocation

Sec. 15. (a) In the absence of other directions, purposes or standards specifically imposed therein, or otherwise fixed by law, an emergency or contingency appropriation to the budget agency which is general and unrelated to any specific agency of the state shall be for the general use, respectively, of any agency of the state, shall be for its emergency or contingency purposes or needs, as the budget agency, in each situation, shall determine and shall fix the amount to transfer, and shall order transfer thereof from such appropriation to the agency of state relieved thereby. From such emergency or contingency appropriations, the budget agency is hereby empowered to make and order allocations and transfers to, and to authorize expenditures by, the various agencies of the state to achieve the purposes, or meet the needs, circumstances and standards following, namely:

(1) Necessary expenditures for the preservation of public health, and for the protection of persons and property which were not foreseen when the appropriations were made by the

previous general assembly.

(2) Repair of damage to, or replacement of, any building or equipment owned by the state or by any agency of the state which has been so damaged as to materially affect the public safety or utility thereof, or which has been destroyed, if such is necessary to discharge the functions of the state or of any agency of the state, and if such damage or loss was caused by sabotage, fire, flood, wind, war, catastrophe or disaster.

(3) Repair of damage to, or replacement of, any building or equipment owned by the state or by an agency of the state which has so depreciated or deteriorated or suffered obsolescence as to become unusable, but is required in the discharge of necessary functions of the state or of an agency of the state, and if such depreciation, deterioration or obsolescence was not foreseen at the time appropriations were made by the previous general assembly.

(4) Emergencies resulting from increase of costs or any other factor or event unforeseen at the time appropriations were made which render insufficient the appropriated funds for food, clothing, maintenance or medical care necessary for the operation of any state institution.

(5) Emergencies resulting from increase in costs or any other factor or event unforeseen at the time appropriations were made which render insufficient the appropriated funds for the cost of instruction or other costs of operation of any of the state educational institutions.

(6) In addition to and without limitation by the foregoing, supplementation of an exhausted fund or account of any state agency, whatever the cause of such exhaustion, if such is found necessary to accomplish the orderly administration of such state agency, or the accomplishment of an existing specific state project. However, it shall be an express condition of any such supplementation, that the funds shall not serve to authorize a purpose or purposes which were included in the budget bill, or budget bills, to the previous general assembly but were wholly omitted or excluded from appropriations made by the general assembly.

The provisions of this section shall not change, impair or destroy any fund previously created, nor be deemed to affect the administration of any contingency or emergency appropriations made for specific purposes.

(b) If in the administration of any contingency or emergency appropriation made to the budget agency, it should appear that the allocation by the budget agency of funds to any designated other agency of the state for expenditure is illegal then such appropriation or fund may, consistent with the provisions of such contingency or emergency appropriations and with the approval of the governor, be expended for and on behalf of any other agency of the state by the

budget agency pursuant to the standards set forth in this section. No provisions in this section are intended to conflict or interfere with the powers and duties of the state board of finance.
(Formerly: Acts 1961, c.123, s.14.) As amended by Acts 1977, P.L.28, SEC.15; P.L.2-2007, SEC.29.

IC 4-12-1-15.5
Medicaid contingency and reserve account

Sec. 15.5. (a) The Medicaid contingency and reserve account is established within the state general fund for the purpose of providing money for timely payment of Medicaid claims, obligations, and liabilities. Money in the account must be used to pay Medicaid claims, obligations, and liabilities. The account shall be administered by the budget agency.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

(1) Appropriations to the account.

(2) Other Medicaid appropriations transferred to the account with the approval of the governor and the budget agency.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account at the end of a state fiscal year does not revert.
As added by P.L.340-1995, SEC.38.

IC 4-12-1-15.7
State tuition reserve account

Sec. 15.7. (a) As used in this section, "account" refers to the state tuition reserve account.

(b) The state tuition reserve account is established for the following purposes:

(1) To fund a tuition support distribution under IC 20-43 whenever the budget director determines that state general fund cash balances are insufficient to cover the distribution.

(2) To meet revenue shortfalls whenever the budget director, after review by the budget committee, determines that state tax revenues available for deposit in the state general fund will be insufficient to fully fund tuition support distributions under IC 20-43 in any particular state fiscal year.

(c) The account consists of the following:

(1) Money appropriated to the account by the general assembly.

(2) Money transferred to the account under any law.

(3) Interest earned on the balance of the account.

(d) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(e) Money in the account at the end of a state fiscal year does not revert for any other purpose of the state general fund.

(f) The budget agency shall administer the account. Whenever the budget director makes a determination under subsection (b)(1) or (b)(2), the budget agency shall notify the auditor of state of the amount from the account to be used for state tuition support distributions. The auditor of state shall transfer the amount from the account to the state general fund. The amount transferred may be used only for the purposes of making state tuition support distributions under IC 20-43. If the amount is transferred under subsection (b)(1), the amount shall be repaid to the account from the state general fund before the end of the state fiscal year in which the transfer is made.

As added by P.L.146-2008, SEC.14. Amended by P.L.213-2015, SEC.47.

IC 4-12-1-16

Transfer of powers and duties

Sec. 16. Wherever in any existing law not expressly repealed by Acts 1961, c. 123 and not inconsistent herewith references are made to the budget committee, the state budget committee, the budget director, the director of the budget, secretary of the budget committee, or the division of the budget, all of such references shall be deemed to mean and refer to the budget agency created by this chapter. All powers, duties and appropriations of any of the above named agencies contained in any existing law or laws which are not expressly repealed in Acts 1961, c. 123 and are not inconsistent with this chapter, including but not limited to the allotment duties referred to herein and hereby imposed on the budget agency, are hereby transferred to the budget agency the same as if those powers and duties had been expressly enumerated in this chapter.

(Formerly: Acts 1961, c.123, s.15.) As amended by Acts 1977, P.L.28, SEC.16.

IC 4-12-1-17

Repealed

(Repealed by P.L.1-1989, SEC.75.)

IC 4-12-1-18

Appropriation and allotment of federal funds to instrumentalities

Sec. 18. Federal funds received by an instrumentality are appropriated for purposes specified by the federal government, subject to allotment by the budget agency. The provisions of this chapter and other laws concerning the acceptance, disbursement, review, and approval of grants, loans, and gifts made by the federal government or any other source to the state or its agencies apply to instrumentalities.

As added by P.L.246-2005, SEC.40.

IC 4-12-1-19

Combined general fund reserves

Sec. 19. For reporting purposes, the state's combined general fund reserves include the balances of the following:

(1) The reverting accounts within the general fund (IC 4-8.1-1-3).

(2) The Medicaid contingency and reserve account (section 15.5 of this chapter).

(3) The state tuition reserve account (section 15.7 of this chapter).

(4) The counter-cyclical revenue and economic stabilization fund (IC 4-10-18), less any outstanding loans.

As added by P.L.213-2015, SEC.48.

IC 4-12-2

Chapter 2. Compensation of Officers and State Employees

IC 4-12-2-1

Compensation and salaries of state officers

Sec. 1. The salaries and compensation of the several officers and employees of the state government shall be fixed from time to time, by the state budget committee, with the approval of the governor.
(Formerly: Acts 1937, c.184, s.1.)

IC 4-12-2-2

Compensation and salaries of state officers; exemptions

Sec. 2. This chapter does not apply to:

(1) the salaries and compensation of the officers, professors, or other employees of Indiana University, Purdue University, Ball State University, Indiana State University, or University of Southern Indiana; or

(2) any salary or other compensation that is fixed by law.

(Formerly: Acts 1937, c.184, s.2.) As amended by P.L.5-1984, SEC.40; P.L.218-1985, SEC.2.

IC 4-12-2-3

Provisions of chapter superseding other compensation statutes

Sec. 3. The provisions of sections 1 and 2 of this chapter shall take precedence of and have supersedence over any and all statutes passed by the general assembly in 1937 and over any and all other statutes enacted before 1937, concerning the fixing of the salaries and compensation of state officers and employees.
(Formerly: Acts 1937, c.184, s.3.) As amended by P.L.5-1984, SEC.41.

IC 4-12-3
Repealed

(Repealed by P.L.3-1986, SEC.26.)

IC 4-12-4

Chapter 4. Indiana Tobacco Use Prevention and Cessation Trust Fund

IC 4-12-4-1

Repealed

(As added by P.L.21-2000, SEC.2. Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-2

"Fund" defined

Sec. 2. As used in this chapter, "fund" refers to the Indiana tobacco use prevention and cessation trust fund created by this chapter.

As added by P.L.21-2000, SEC.2.

IC 4-12-4-3

"Master settlement agreement" defined

Sec. 3. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

As added by P.L.21-2000, SEC.2.

IC 4-12-4-4

Repealed

(As added by P.L.21-2000, SEC.2. Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-5

Repealed

(As added by P.L.21-2000, SEC.2. Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-6

Repealed

(As added by P.L.21-2000, SEC.2. Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-7

Repealed

(As added by P.L.21-2000, SEC.2. Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-8

Repealed

(As added by P.L.21-2000, SEC.2. Repealed by P.L.229-2011, SEC.268.)

IC 4-12-4-9

Termination of tobacco use prevention and cessation executive board; additional powers of department of health

Sec. 9. (a) The Indiana tobacco use prevention and cessation executive board is abolished July 1, 2011. On July 1, 2011:

(1) all assets, obligations, powers, and duties of the executive board are transferred to the state department of health; and

(2) all appropriations made to the Indiana tobacco use prevention and cessation executive board are transferred to the state department of health and are considered appropriations made to the state department of health.

(b) In addition to any other power granted by this chapter, the state department of health may:

(1) adopt rules under IC 4-22-2 to carry out this chapter;

(2) accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with conditions attached to that aid;

(3) make, execute, and effectuate any and all contracts, agreements, or other documents with any governmental agency or any person, corporation, limited liability company, association, partnership, or other organization or entity necessary or convenient to accomplish the purposes of this chapter, including contracts for the provision of all or any portion of the services the state department of health considers necessary;

(4) recommend legislation to the governor and general assembly;

(5) make recommendations to the governor, the budget agency, and the general assembly concerning the priorities for appropriation and distribution of money from the Indiana health care account established by IC 4-12-5-3; and

(6) do any and all acts and things necessary, proper, or convenient to carry out this chapter.

As added by P.L.21-2000, SEC.2. Amended by P.L.197-2011, SEC.4; P.L.229-2011, SEC.45; P.L.6-2012, SEC.12.

IC 4-12-4-10

Establishment of fund; contents; administration

Sec. 10. (a) The Indiana tobacco use prevention and cessation trust fund is established. The state department of health may expend money from the fund and make grants from the fund to implement the long range state plan established under this chapter. Administrative expenses necessary to carry out this chapter are also payable from the fund.

(b) The fund consists of:

(1) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the fund from other sources;
(3) grants, gifts, and donations intended for deposit in the fund; and
(4) interest that accrues from money in the fund.

(c) The fund shall be administered by the state department of health. Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the Indiana public retirement system under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the expenses incurred under those contracts from the fund. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) All income and assets of the executive board deposited in the fund are for the use of the state department of health after appropriation.

As added by P.L.21-2000, SEC.2. Amended by P.L.291-2001, SEC.53; P.L.229-2011, SEC.46; P.L.35-2012, SEC.17.

IC 4-12-4-11

Mission statement; long range state plan

Sec. 11. (a) The state department of health shall develop:

(1) a mission statement concerning prevention and reduction of the usage of tobacco and tobacco products in Indiana, including:

(A) emphasis on prevention and reduction of tobacco use by minorities, pregnant women, children, and youth, including youth with serious and emotional disturbances;
(B) encouragement of smoking cessation;
(C) production and distribution of information concerning the dangers of tobacco use and tobacco related diseases;
(D) providing research on issues related to reduction of tobacco use;
(E) enforcement of laws concerning sales of tobacco to youth and use of tobacco by youth; and
(F) other activities that the state department of health considers necessary and appropriate for inclusion in the mission statement; and

(2) a long range state plan, based on Best Practices for Tobacco Control Programs as published by the Centers for Disease Control and Prevention, for:

(A) the provision of services by the state department of health, public or private entities, and individuals to implement the state department of health's mission statement; and
(B) the coordination of state efforts to reduce usage of tobacco and tobacco products.

The state department of health shall update the mission statement and

long range state plan as necessary to carry out the purposes of this chapter.

(b) The long range state plan described in subsection (a) must:

(1) cover a period of at least five (5) years;

(2) include base line data concerning tobacco usage;

(3) set forth specific goals for prevention and reduction of tobacco usage in Indiana; and

(4) be made available to the governor, the general assembly, and any other appropriate state or federal agency.

As added by P.L.21-2000, SEC.2. Amended by P.L.99-2007, SEC.7; P.L.229-2011, SEC.47.

IC 4-12-4-12

Applications for grants

Sec. 12. A public or private entity or an individual may submit an application to the state department of health for a grant from the fund. Each application must be in writing and contain the following information:

(1) A clear objective to be achieved with the grant.

(2) A plan for implementation of the specific program.

(3) A statement of the manner in which the proposed program will further the goals of the state department of health's mission statement and long range state plan.

(4) The amount of the grant requested.

(5) An evaluation and assessment component to determine the program's performance.

(6) Any other information required by the state department of health.

The state department of health may adopt written guidelines to establish procedures, forms, additional evaluation criteria, and application deadlines.

As added by P.L.21-2000, SEC.2. Amended by P.L.229-2011, SEC.48.

IC 4-12-4-13

Approval of expenditures

Sec. 13. The expenditure of state funds (other than a grant awarded under this chapter) for a program concerning prevention or reduction of tobacco usage that is operated by a state agency or a public or private entity is subject to the approval of the state department of health. The state agency or public or private entity shall submit a description of the proposed expenditure to the state department of health for the state department of health's review and approval. The description submitted under this section must include the following:

(1) The objective to be achieved through the expenditure.

(2) The plan for implementation of the expenditure.

(3) The extent to which the expenditure will supplement or

duplicate existing expenditures of other state agencies, public or private entities, or the state department of health.

As added by P.L.21-2000, SEC.2. Amended by P.L.229-2011, SEC.49.

IC 4-12-4-14

Annual reports

Sec. 14. The state department of health shall prepare an annual financial report and an annual report concerning the state department of health's activities under this chapter and promptly transmit the annual reports to the governor and, in an electronic format under IC 5-14-6, to the legislative council. The state department of health shall make the annual reports available to the public upon request.

As added by P.L.21-2000, SEC.2. Amended by P.L.28-2004, SEC.38; P.L.229-2011, SEC.50.

IC 4-12-4-15

Audit

Sec. 15. The funds, accounts, management, and operations of the state department of health under this chapter are subject to audit by the state board of accounts.

As added by P.L.21-2000, SEC.2. Amended by P.L.229-2011, SEC.51; P.L.181-2015, SEC.2.

IC 4-12-4-16

Repealed

(As added by P.L.21-2000, SEC.2. Repealed by P.L.197-2011, SEC.153.)

IC 4-12-5

Chapter 5. Indiana Health Care Trust Account

IC 4-12-5-1

"Account" defined

Sec. 1. As used in this chapter, "account" refers to the Indiana health care account established by section 3 of this chapter.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.54.

IC 4-12-5-1.5

Repealed

(As added by P.L.197-2011, SEC.5. Repealed by P.L.109-2015, SEC.10.)

IC 4-12-5-2

"Master settlement agreement" defined

Sec. 2. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

As added by P.L.21-2000, SEC.3.

IC 4-12-5-3

Establishment and purpose of account; administration

Sec. 3. (a) The Indiana health care account is established within the Indiana tobacco master settlement agreement fund for the purpose of promoting the health of the citizens of Indiana. The account consists of:

(1) amounts, if any, that another statute requires to be distributed to the account from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the account from other sources; and

(3) grants, gifts, and donations intended for deposit in the account.

(b) The account shall be administered by the budget agency. Money in the account at the end of the state fiscal year does not revert to the state general fund but remains available for expenditure.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.55.

IC 4-12-5-4

Distribution of money from account

Sec. 4. Subject to appropriation by the general assembly, review by the budget committee, and approval by the budget agency, the auditor of state shall distribute money from the account to public or private entities or individuals for the implementation of programs concerning one (1) or more of the following purposes:

(1) The children's health insurance program established under IC 12-17.6.

(2) Cancer detection tests and cancer education programs.
(3) Heart disease and stroke education programs.
(4) Assisting community health centers in providing:
(A) vaccinations against communicable diseases, with an emphasis on service to youth and senior citizens;
(B) health care services and preventive measures that address the special health care needs of minorities (as defined in IC 16-46-6-2); and
(C) health care services and preventive measures in rural areas.
(5) Promoting health and wellness activities.
(6) Encouraging the prevention of disease, particularly tobacco related diseases.
(7) Addressing the special health care needs of those who suffer most from tobacco related diseases, including end of life and long term care alternatives.
(8) Addressing minority health disparities.
(9) Addressing the impact of tobacco related diseases, particularly on minorities and females.
(10) Promoting community based health care, particularly in areas with a high percentage of underserved citizens, including individuals with disabilities, or with a shortage of health care professionals.
(11) Enhancing local health department services.
(12) Expanding community based minority health infrastructure.
(13) Other purposes recommended by the state department of health.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.56; P.L.197-2011, SEC.6; P.L.109-2015, SEC.11.

IC 4-12-5-5
Repealed

(As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.57. Repealed by P.L.197-2011, SEC.153.)

IC 4-12-5-6
Applications for grants

Sec. 6. A public or private entity or an individual may submit an application to the state department of health for a grant from the account. Each application must be in writing and contain the following information:
(1) A clear objective to be achieved with the grant.
(2) A plan for implementation of the specific program.
(3) A statement of the manner in which the proposed program will further the goals of the state department of health's mission statement and long range state plan under IC 4-12-4.
(4) The amount of the grant requested.

(5) An evaluation and assessment component to determine the program's performance.

(6) Any other information required by the state department of health.

The state department of health may adopt written guidelines to establish procedures, forms, additional evaluation criteria, and application deadlines.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.58; P.L.197-2011, SEC.7; P.L.229-2011, SEC.53; P.L.109-2015, SEC.12.

IC 4-12-5-7

Cumulative nature of appropriations and distributions

Sec. 7. Appropriations and distributions from the account under this chapter are in addition to and not in place of other appropriations or distributions made for the same purpose.

As added by P.L.21-2000, SEC.3. Amended by P.L.291-2001, SEC.59.

IC 4-12-6

Chapter 6. Biomedical Technology and Basic Research Trust Account

IC 4-12-6-1

"Account" defined

Sec. 1. As used in this chapter, "account" refers to the biomedical technology and basic research account established by section 3 of this chapter.

As added by P.L.21-2000, SEC.4. Amended by P.L.291-2001, SEC.60.

IC 4-12-6-2

"Master settlement agreement" defined

Sec. 2. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

As added by P.L.21-2000, SEC.4.

IC 4-12-6-3

Establishment and purpose of account; administration

Sec. 3. (a) The biomedical technology and basic research account is established within the Indiana tobacco master settlement agreement fund for the purposes set forth in section 4 of this chapter. The account consists of:

(1) amounts, if any, that another statute requires to be distributed to the account from the Indiana tobacco master settlement agreement fund; and

(2) grants, gifts, and donations intended for deposit in the account.

(b) The account shall be administered by the budget agency. Money in the account at the end of the state fiscal year does not revert to the state general fund but remains available for expenditure.

As added by P.L.21-2000, SEC.4. Amended by P.L.57-2001, SEC.1; P.L.291-2001, SEC.61.

IC 4-12-6-4

Distribution of money from account

Sec. 4. Subject to appropriation by the general assembly, review by the budget committee, and approval by the budget agency, the treasurer of state shall distribute money from the account to public and private entities to support biomedical technology and basic research initiatives, giving priority to initiatives that address tobacco related illnesses and that leverage matching dollars from federal or private sources.

As added by P.L.21-2000, SEC.4. Amended by P.L.291-2001, SEC.62.

IC 4-12-6-5

Cumulative nature of appropriations and distributions

Sec. 5. Appropriations and distributions from the account under this chapter are in addition to and not in place of other appropriations or distributions made for the same purpose.

As added by P.L.21-2000, SEC.4. Amended by P.L.291-2001, SEC.63.

IC 4-12-7

Chapter 7. Indiana Local Health Department Trust Account

IC 4-12-7-1

"Account" defined

Sec. 1. As used in this chapter, "account" refers to the Indiana local health department account established by section 4 of this chapter.

As added by P.L.21-2000, SEC.5. Amended by P.L.291-2001, SEC.64.

IC 4-12-7-2

"Local board of health" defined

Sec. 2. As used in this chapter, "local board of health" means the board of a:

(1) county health department established under IC 16-20-2;

(2) multiple county health department established under IC 16-20-3;

(3) city health department established under IC 16-20-4; or

(4) health and hospital corporation established under IC 16-22-8.

As added by P.L.21-2000, SEC.5.

IC 4-12-7-3

"Master settlement agreement" defined

Sec. 3. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

As added by P.L.21-2000, SEC.5.

IC 4-12-7-4

Establishment and purpose of account; administration

Sec. 4. (a) The Indiana local health department account is established within the Indiana tobacco master settlement agreement fund for the purpose of providing funding for services provided by local boards of health in each county. The account consists of:

(1) money required to be distributed to the account under subsection (b);

(2) additional amounts, if any, that another statute requires to be distributed to the account from the Indiana tobacco master settlement agreement fund;

(3) appropriations to the account from other sources; and

(4) grants, gifts, and donations intended for deposit in the account.

(b) Three million dollars ($3,000,000) of the money received by the state under the master settlement agreement during each calendar year beginning on or after January 1, 2001, shall be distributed to the account from the Indiana tobacco master settlement agreement fund.

(c) The account shall be administered by the state department of

health. Money in the account at the end of the state fiscal year does not revert to the state general fund but remains available for expenditure.

As added by P.L.21-2000, SEC.5. Amended by P.L.291-2001, SEC.65; P.L.191-2013, SEC.1.

IC 4-12-7-5

Applications; distribution of money from account

Sec. 5. (a) Except as provided in subsection (e), a local board of health seeking to receive funding from the account established by section 4 of this chapter must file an application with the state department of health before October 1 of each year:

(1) specifying the planned use for the funds; and

(2) in a manner specified by the state department of health.

The state department of health may extend the deadline for filing the application required by this subsection upon a showing of good cause by the local board of health.

(b) Subject to subsection (d) and subject to review by the budget committee and approval by the budget agency, before June 1 of each year the state department of health shall allocate money in the account to each county that has at least one (1) local board of health that has submitted an application that has been approved by the state department of health.

(c) The state department of health shall make two (2) distributions of the money allocated for a county described in subsection (b) to the local board of health not later than January 1 and July 1 of the year following the year in which the allocation is made under subsection (b). Each distribution must be one-half (1/2) of the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the amount of money, if any, available for distribution from the account.

STEP TWO: Subtract nine hundred twenty thousand dollars ($920,000) from the amount determined under STEP ONE.

STEP THREE: Multiply the STEP TWO remainder by a fraction. The numerator of the fraction is the population of the county. The denominator of the fraction is the population of the state.

STEP FOUR: Add ten thousand dollars ($10,000) to the STEP THREE product.

(d) If less than nine hundred twenty thousand dollars ($920,000) is available for distribution from the account on July 1 of any year, the amount of each distribution from the account to each county must be one-half (1/2) of the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the amount of money, if any, available for distribution from the account.

STEP TWO: Multiply the STEP ONE amount by a fraction. The numerator of the fraction is the population of the county.

The denominator of the fraction is the population of the state.

(e) Notwithstanding subsection (a), the application due in 2013 covers a period of eighteen (18) months starting July 1, 2013, and must be submitted by a local board of health by June 1, 2013, instead of October 1, 2013. The state department of health may extend the deadline described in this subsection upon a showing of good cause by the local board of health. Distribution for applications described in this subsection that are approved by the state department of health shall be made as follows:

(1) An amount equal to one-half (1/2) of the amount determined under STEP FOUR of the formula in subsection (c), not later than July 1, 2013.

(2) An amount equal to one-half (1/2) of the amount determined under STEP FOUR of the formula in subsection (c), not later than January 1, 2014.

(3) An amount equal to one-half (1/2) of the amount determined under STEP FOUR of the formula in subsection (c), not later than July 1, 2014.

As added by P.L.21-2000, SEC.5. Amended by P.L.291-2001, SEC.66; P.L.191-2013, SEC.2.

IC 4-12-7-6

Distributions to local boards of health

Sec. 6. (a) If only one (1) local board of health in a county has an application approved by the state department of health under this chapter, the state department of health shall make the distributions for the county under this chapter to that local board of health.

(b) If more than one (1) local board of health in a county has an application approved by the state department of health under this chapter, the state department of health shall make the distributions for the county to those local boards of health in amounts determined by the state department of health based on the population of the county served by the local boards of health.

As added by P.L.21-2000, SEC.5. Amended by P.L.191-2013, SEC.3.

IC 4-12-7-7

Priority of use of money by local boards of health

Sec. 7. In using money distributed under this chapter, a local board of health shall give priority to:

(1) programs that share common goals with the mission statement and long range state plan established by the state department of health;

(2) preventive health measures; and

(3) support for community health centers that treat low income persons and senior citizens.

As added by P.L.21-2000, SEC.5. Amended by P.L.229-2011, SEC.54.

IC 4-12-7-8
Cumulative nature of appropriations and distributions

Sec. 8. Appropriations and distributions from the account under this chapter are in addition to and not in place of other appropriations or distributions made for the same purpose.

As added by P.L.21-2000, SEC.5. Amended by P.L.291-2001, SEC.67.

IC 4-12-7-9
Annual appropriations

Sec. 9. Money in the account is annually appropriated for the purposes described in this chapter.

As added by P.L.21-2000, SEC.5. Amended by P.L.291-2001, SEC.68.

IC 4-12-8

Chapter 8. Indiana Prescription Drug Account

IC 4-12-8-1

"Account" defined

Sec. 1. As used in this chapter, "account" refers to the Indiana prescription drug account established by section 2 of this chapter.

As added by P.L.21-2000, SEC.6. Amended by P.L.291-2001, SEC.69.

IC 4-12-8-2

Establishment and purpose of account; administration

Sec. 2. (a) The Indiana prescription drug account is established within the Indiana tobacco master settlement agreement fund for the purpose of providing access to needed prescription drugs to ensure the health and welfare of Indiana's low-income senior citizens. The account consists of:

(1) amounts to be distributed to the account from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the account from other sources;

(3) rebates:

(A) required under 42 U.S.C. 1396r-8(a) for a Medicaid waiver under which a prescription drug program is established or implemented; or

(B) voluntarily negotiated under a prescription drug program that is established or implemented;

to provide access to prescription drugs for low income senior citizens; and

(4) grants, gifts, and donations intended for deposit in the account.

(b) The account shall be administered by the budget agency. Expenses for administration and benefits under the Indiana prescription drug program established under IC 12-10-16 shall be paid from the account. Money in the account at the end of the state fiscal year does not revert to the state general fund or the Indiana tobacco master settlement agreement fund but is annually appropriated and remains available for expenditure for a prescription drug program established or implemented to provide access to prescription drugs for low income senior citizens.

(c) Money in the account may be used to match federal funds available under a Medicaid waiver under which a prescription drug program is established or implemented to provide access to prescription drugs for low income senior citizens.

As added by P.L.21-2000, SEC.6. Amended by P.L.291-2001, SEC.70; P.L.107-2002, SEC.1.

IC 4-12-8-3

Cumulative nature of appropriations and distributions

Sec. 3. Appropriations and distributions from the account under this chapter are in addition to and not in place of other appropriations or distributions made for the same purpose.

As added by P.L.21-2000, SEC.6. Amended by P.L.291-2001, SEC.71.

IC 4-12-8.5

Chapter 8.5. Regional Health Care Construction Account

IC 4-12-8.5-1

"Account" defined

Sec. 1. As used in this chapter, "account" refers to the regional health care construction account established within the Indiana tobacco master settlement agreement fund by section 3 of this chapter.

As added by P.L.291-2001, SEC.72.

IC 4-12-8.5-2

"Master settlement agreement" defined

Sec. 2. As used in this chapter, "master settlement agreement" has the meaning set forth in IC 24-3-3-6.

As added by P.L.291-2001, SEC.72.

IC 4-12-8.5-3

Regional health care construction account; established

Sec. 3. (a) The regional health care construction account is established for the purpose of providing funding for state psychiatric hospitals and developmental centers, regional health centers, or other health facilities designed to provide crisis treatment, rehabilitation, or intervention for adults or children with mental illness, developmental disabilities, addictions, or other medical or rehabilitative needs. The account consists of:

(1) amounts, if any, that any statute requires to be distributed to the account from the Indiana tobacco master settlement agreement fund;

(2) appropriations to the account from other sources; and

(3) grants, gifts, and donations intended for deposit in the account.

(b) The budget agency shall administer the account. Money in the account at the end of a state fiscal year does not revert to the state general fund but remains available for expenditure.

(c) Money in the account may be used for:

(1) the construction, equipping, renovation, demolition, refurbishing, or alteration of existing or new state hospitals, regional health centers, or other health facilities; or

(2) lease rentals to the Indiana finance authority under IC 4-13.5 or other public or private providers of such facilities.

(d) Money in the account shall be used to pay any outstanding lease rentals before making any other payments from the account.

(e) Money in the account is annually appropriated for the purposes described in this chapter.

As added by P.L.291-2001, SEC.72. Amended by P.L.224-2003, SEC.118; P.L.235-2005, SEC.53.

IC 4-12-9
Repealed

(Repealed by P.L.126-2012, SEC.65; P.L.133-2012, SEC.5.)

IC 4-12-10

Chapter 10. Indiana Economic Development Partnership Fund

IC 4-12-10-1

"Center" defined

Sec. 1. As used in the chapter, "center" refers to a regional technology center established under section 4 of this chapter.

As added by P.L.26-2001, SEC.1.

IC 4-12-10-2

"Fund" defined

Sec. 2. As used in this chapter, "fund" refers to the Indiana economic development partnership fund established by section 3 of this chapter.

As added by P.L.26-2001, SEC.1.

IC 4-12-10-3

Purpose of fund

Sec. 3. (a) The Indiana economic development partnership fund is established to provide grants for economic development initiatives that support the following:

(1) The establishment of regional technology and entrepreneurship centers for the creation of high technology companies to support access to technology for existing businesses and for the support of workforce development.

(2) The providing of leadership and technical support necessary for the centers' start-up operations and long term success.

(3) The expansion of the Purdue Technical Assistance Program to other postsecondary educational institutions in ten (10) geographic regions of Indiana.

(4) The creation of a rural/community economic development regional outreach program by Purdue University.

(5) The expansion of workforce development for high technology business development through the centers.

(b) The fund shall be administered by the budget agency. The fund consists of appropriations from the general assembly and gifts and grants to the fund, including money received from the state technology advancement and retention account established by IC 4-12-12-1.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for the purposes of this chapter.

As added by P.L.26-2001, SEC.1. Amended by P.L.96-2004, SEC.14; P.L.2-2007, SEC.30.

IC 4-12-10-4

Budget agency; Indiana economic development corporation; duties

Sec. 4. (a) The budget agency, after review by the budget committee, shall enter into an agreement with the Indiana economic development corporation to do the following:

(1) Review, prioritize, and approve or disapprove proposals for centers.

(2) Create detailed application procedures and selection criteria for center proposals. These criteria may include the following:

(A) Geographical proximity to and partnership agreement with an Indiana public or private postsecondary educational institution.

(B) Proposed local contributions to the center.

(C) Minimum standards and features for the physical facilities of a center, including telecommunications infrastructure.

(D) The minimum support services, both technical and financial, that must be provided by the centers.

(E) Guidelines for selecting entities that may participate in the center.

(3) Develop performance measures and reporting requirements for the centers.

(4) Monitor the effectiveness of each center and report its findings to the governor, the budget agency, and the budget committee before October 1 of each even-numbered year.

(5) Approve a regional technology center only if the center agrees to do all of the following:

(A) Nurture the development and expansion of high technology ventures that have the potential to become high growth businesses.

(B) Increase high technology employment in Indiana.

(C) Stimulate the flow of new venture capital necessary to support the growth of high technology businesses in Indiana.

(D) Expand workforce education and training for highly skilled high technology jobs.

(E) Affiliate with an Indiana public or private postsecondary educational institution and be located in close proximity to a campus of a postsecondary educational institution.

(F) Be a party to a written agreement among:

(i) the affiliated university;

(ii) the city or town in which the proposed center is located, or the county in which the proposed center is located if the center is not located in a city or town;

(iii) Purdue University, for technical and personnel training support; and

(iv) any other affiliated entities;

that outlines the responsibilities of each party.

(G) Establish a debt free physical structure designed to

accommodate research and technology ventures.

(H) Provide support services, including business planning, management recruitment, legal services, securing of seed capital marketing, and mentor identification.

(I) Establish a commitment of local resources that is at least equal to the money provided from the fund for the physical facilities of the center.

(b) The Indiana economic development corporation may not approve more than five (5) regional technology centers in any biennium.

(c) The budget agency shall contract with Purdue University:

(1) for any support staff necessary for the budget agency to provide grants under section 3(a)(3) and 3(a)(4) of this chapter; and

(2) to provide services under section 7 of this chapter.

As added by P.L.26-2001, SEC.1. Amended by P.L.96-2004, SEC.15; P.L.4-2005, SEC.7; P.L.2-2007, SEC.31.

IC 4-12-10-5

Local advisory boards

Sec. 5. (a) An approved center must establish a local advisory board. The advisory board shall establish operating policies and select entities to locate in the center in accordance with the selection guidelines established by the local advisory board. A local advisory board must include an appointee of the following:

(1) The executive of the city or town in which the proposed center is located or the county in which the proposed center is located if the center is not located in a city or town.

(2) The president of the affiliated university.

(3) Representatives of local business, industry, and labor.

(b) Except as provided in subsection (a), the size and membership of a center's local advisory board are at the discretion of the center.

As added by P.L.26-2001, SEC.1.

IC 4-12-10-6

Authorized appropriations

Sec. 6. (a) If the Indiana economic development corporation and the budget agency approve a center, the budget agency shall allocate from available appropriations the money authorized to:

(1) subsidize construction or rehabilitation of the physical facilities; and

(2) cover operating costs, not to exceed two hundred fifty thousand dollars ($250,000) each year, until the center is self-sustaining or has identified another source of operating money or the amount appropriated for this purpose is exhausted.

(b) Operating costs may not be supported by the fund for any center for more than four (4) years.

As added by P.L.26-2001, SEC.1. Amended by P.L.96-2004, SEC.16;

P.L.4-2005, SEC.8.

IC 4-12-10-7
Assistance from Purdue University

Sec. 7. (a) As Indiana's land grant university, Purdue University has developed the expertise to provide leadership, assistance, technical support, and personnel training support for developing centers. This service shall be provided to each center during the start-up phases for the center, after which the local personnel shall provide the services to local companies, with minimal continued technical support from Purdue University.

(b) Purdue University shall do the following:

(1) Assist center personnel in establishing key components and methodology to identify, prepare, develop, and incubate technology based companies.

(2) Assist local communities in planning, feasibility studies, and proposal development before the submission of a proposal to the budget agency.

As added by P.L.26-2001, SEC.1.

IC 4-12-11
Repealed
(Repealed by P.L.4-2005, SEC.148.)

IC 4-12-12

Chapter 12. State Technology Advancement and Retention (STAR) Account

IC 4-12-12-1

Account established; purpose

Sec. 1. The state technology advancement and retention (STAR) account is established within the state general fund. The purpose of the account is to provide funding for programs within Indiana that are designed to:

(1) advance and retain technology related enterprises within Indiana; and

(2) train and retain students with an emphasis on technology.

As added by P.L.96-2004, SEC.17.

IC 4-12-12-2

Budget agency; administration of account

Sec. 2. The budget agency shall administer the STAR account.

As added by P.L.96-2004, SEC.17.

IC 4-12-12-3

Components of account

Sec. 3. The account consists of money, including federal money, appropriated to the account by the general assembly and gifts and grants to the account. An appropriation, a gift, or a grant may be designated for one (1) or more purposes listed in section 6 of this chapter.

As added by P.L.96-2004, SEC.17.

IC 4-12-12-4

Investment of account

Sec. 4. The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public funds may be invested.

As added by P.L.96-2004, SEC.17.

IC 4-12-12-5

Reversion of account

Sec. 5. Money in the account at the end of a state fiscal year reverts to the state general fund.

As added by P.L.96-2004, SEC.17.

IC 4-12-12-6

Dedicated uses of account

Sec. 6. Money in the account that is not otherwise designated under section 3 of this chapter is annually dedicated to the following:

(1) The Indiana economic development partnership fund under IC 4-12-10.

(2) Minority training program grants under IC 22-4.1-22-11.
(3) The back home in Indiana program under IC 22-4.1-22-12.
(4) The scientific instrument project within the department of education.
(5) The coal technology research fund under IC 21-47-4-5.

As added by P.L.96-2004, SEC.17. Amended by P.L.1-2005, SEC.59; P.L.2-2007, SEC.32; P.L.286-2013, SEC.1; P.L.69-2015, SEC.1.

IC 4-12-12-7
Expenses of administering account

Sec. 7. Expenses for administering the account or any of the programs funded from the account may be taken from the account but may not exceed two percent (2%) of the balance in the account. The budget agency must approve administrative expenses taken from the account.

As added by P.L.96-2004, SEC.17.

IC 4-12-13
Chapter 13. Review of Certain Contracts for Services

IC 4-12-13-1
State agency

Sec. 1. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1(b).

As added by P.L.234-2007, SEC.224.

IC 4-12-13-2
Public hearings; review by budget committee

Sec. 2. (a) This section applies only to a contract or an agreement:

(1) that is first entered into by:

(A) a state agency; and

(B) a private contractor or private vendor;

after June 30, 2007;

(2) in which the initial term of the contract or agreement plus the term of any possible renewal or extension periods is at least four (4) years;

(3) under which the amount to be paid by the state agency during the initial term of the contract or agreement plus the term of any possible renewal or extension periods:

(A) is at least ten million dollars ($10,000,000); or

(B) is estimated by the state agency to be at least ten million dollars ($10,000,000); and

(4) under which the private contractor or private vendor will provide services that before the effective date of the contract or agreement are provided directly by the employees of the state agency.

(b) In addition to any other requirements that must be satisfied, a state agency may not enter into a contract or an agreement described in subsection (a) unless the following requirements are satisfied:

(1) At least thirty (30) days before entering into the contract or agreement, the state agency must conduct at least one (1) public hearing on the contract or agreement. The state agency must allow public comments and testimony at the public hearing. The public hearing must be held in compliance with IC 5-14-1.5.

(2) Either of the following occurs:

(A) At least thirty (30) days before the state agency enters into the contract or agreement, the budget committee makes a recommendation to the budget agency concerning the contract or agreement.

(B) The budget committee does not make a recommendation concerning the contract or agreement within thirty (30) days after the chairman of the budget committee is requested by the budget agency to make a recommendation.

As added by P.L.234-2007, SEC.224.

IC 4-12-13-3

Performance of contracted services by public employees

Sec. 3. (a) In addition to any other requirements that must be satisfied, a state agency may have the employees of the state agency directly provide services that are provided by a private contractor or private vendor under a contract or an agreement described in section 2(a) of this chapter only if the following requirements are satisfied:

(1) At least thirty (30) days before the employees of the state agency begin directly providing the services, the state agency must conduct at least one (1) public hearing concerning the provision of the services by the employees of the state agency. The state agency must allow public comments and testimony at the public hearing. The public hearing must be held in compliance with IC 5-14-1.5.

(2) Either of the following occurs:

(A) At least thirty (30) days before employees of the state agency begin directly providing services, the budget committee makes a recommendation to the budget agency concerning the provision of the services by the employees of the state agency.

(B) The budget committee does not make a recommendation concerning the provision of the services by the employees of the state agency within thirty (30) days after the chairman of the budget committee is requested by the budget agency to make a recommendation.

(b) A state agency is not required to comply with the requirements of subsection (a) if the director or other administrative head of the state agency declares that an emergency exists that requires the employees of the state agency to directly provide the services that were provided by a private contractor or private vendor.

As added by P.L.234-2007, SEC.224.

IC 4-12-14

Chapter 14. Columbus Learning Center Lease

IC 4-12-14-1

"Columbus Learning Center"

Sec. 1. As used in this chapter, "Columbus Learning Center" refers to a multipurpose educational facility to be located in Columbus, Indiana, and leased by the board of aviation commissioners of the city of Columbus, Indiana, to Columbus Learning Center Management Corporation.

As added by P.L.220-2011, SEC.27.

IC 4-12-14-2

"Lease rental revenue bonds"

Sec. 2. As used in this chapter, "lease rental revenue bonds" refers to any lease rental revenue bonds issued by the city of Columbus, Indiana, under IC 8-22-2 or another law for acquisition, construction, initial installation, and initial equipping of the Columbus Learning Center.

As added by P.L.220-2011, SEC.27.

IC 4-12-14-3

"Participating entities"

Sec. 3. As used in this chapter, "participating entities" means the following:

(1) Indiana University.
(2) Purdue University.
(3) Ivy Tech Community College.

The term does not include a school corporation.

As added by P.L.220-2011, SEC.27.

IC 4-12-14-4

"Sublease"

Sec. 4. As used in this chapter, "sublease" refers to an agreement between the budget agency and Columbus Learning Center Management Corporation to lease space in the Columbus Learning Center for use by the participating entities.

As added by P.L.220-2011, SEC.27.

IC 4-12-14-5

Sublease authorized; review by budget committee; approval by commissioner of the Indiana department of administration

Sec. 5. Subject to section 6 of this chapter, the budget agency may enter into a sublease with the Columbus Learning Center Management Corporation, its authorized successor, or its authorized assigns for the use and occupancy of part or all of the Columbus Learning Center. The budget agency may enter into the sublease after review by the budget committee and approval by the commissioner

of the Indiana department of administration.
As added by P.L.220-2011, SEC.27.

IC 4-12-14-6
Conditions for entering into sublease

Sec. 6. The budget agency may not enter into a sublease under section 5 of this chapter unless the following conditions are met:

(1) The total:
(A) acquisition;
(B) construction;
(C) initial installation; and
(D) initial equipping;
costs for the Columbus Learning Center that are to be financed through lease rental revenue bonds is twenty-five million dollars ($25,000,000) or less, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of bonds.

(2) The director of the budget agency has certified in writing to the legislative council that there is an unmet higher education need that the Columbus Learning Center will correct.

As added by P.L.220-2011, SEC.27.

IC 4-12-14-7
General assembly determination that sublease in best interest of state; terms of sublease

Sec. 7. The general assembly determines that a long term sublease is in the best interests of the state. Subject to section 6 of this chapter, the budget agency may enter into a sublease for one (1) or more terms that, in total, do not exceed the initial term provided for the repayment of the lease rental revenue bonds.
As added by P.L.220-2011, SEC.27.

IC 4-12-14-8
Components of sublease payments

Sec. 8. The sublease rental payments under a sublease entered into under this chapter may include amounts payable for:

(1) the operation and management of the Columbus Learning Center;

(2) maintenance, repair, or replacement reserves necessary or appropriate to keep the Columbus Learning Center in good operating order; and

(3) repayment of the principal of and interest on the lease rental revenue bonds, subject to the limitations set forth in section 6 of this chapter.

As added by P.L.220-2011, SEC.27.

IC 4-12-15

Chapter 15. Faith-Based and Community Initiatives Subsidiary Corporation

IC 4-12-15-1

"Office"

Sec. 1. For purposes of this chapter, "office" refers to the office of faith-based and community initiatives initially established by Executive Order 05-16 and reestablished by Executive Order 13-16.

As added by P.L.187-2013, SEC.1.

IC 4-12-15-2

Establishment of nonprofit subsidiary for faith-based and community initiatives subsidiary corporation

Sec. 2. (a) The office may establish a nonprofit subsidiary corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code, to solicit and accept private funding, gifts, donations, bequests, devises, and contributions.

(b) A subsidiary corporation established under this section:

(1) shall use money received under subsection (a) to carry out in any manner the purposes and programs of the office;

(2) shall report to the budget committee each year concerning:

(A) the use of money received under subsection (a); and

(B) the balances in any accounts or funds established by the subsidiary corporation; and

(3) may deposit money received under subsection (a) in an account or fund that is:

(A) administered by the subsidiary corporation; and

(B) not part of the state treasury.

(c) A subsidiary corporation established under this section is governed by a board of directors comprised of members appointed by the office.

(d) Employees of the office shall provide administrative support for a subsidiary corporation established under this section.

(e) The state board of accounts shall audit a subsidiary corporation established under this section.

As added by P.L.187-2013, SEC.1. Amended by P.L.181-2015, SEC.3.

IC 4-13

ARTICLE 13. ADMINISTRATIVE MANAGEMENT OF STATE SERVICES, EMPLOYEES, PURCHASES, AND PROPERTY

IC 4-13-1

Chapter 1. Department of Administration

IC 4-13-1-1

Short title; "state agency" defined; use of department services by other entities

Sec. 1. (a) This chapter shall be known and may be cited as the "Administration Act of 1961".

(b) As used in this chapter, "state agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government. The term "state agency" does not include the judicial or legislative departments of state government, nor does that term include a state educational institution.

(c) Notwithstanding subsection (b), the following entities may, with the consent of the commissioner of the department of administration, use the services of the department:

(1) The judicial department of state government.

(2) The legislative department of state government.

(3) A state educational institution.

(4) A political subdivision (as defined in IC 36-1-2-13).

(5) A body corporate and politic created by statute.

(Formerly: Acts 1961, c.269, s.1.) As amended by Acts 1981, P.L.32, SEC.2; P.L.28-1983, SEC.2; P.L.14-1984, SEC.1; P.L.2-2007, SEC.33.

IC 4-13-1-2

Creation of department; commissioner; officers and employees

Sec. 2. There is created a department of state government which shall be known as the Indiana department of administration, referred to in this chapter as the department; and which shall consist of a commissioner as its executive head and of officers and employees who shall be appointed or employed in the department. The commissioner shall be appointed by the governor and the commissioner shall hold office at the pleasure of the governor. The commissioner shall be well versed in administrative management and in the affairs of state government which by law are the responsibility of the governor, and shall in no manner affect the separate judicial and legislative departments of state government which by law and the Constitution of the State of Indiana are under the jurisdiction and are the responsibility of other state elected officials. The compensation of the commissioner shall be fixed and determined by

the budget agency subject to the approval of the governor.
(Formerly: Acts 1961, c.269, s.2.) As amended by Acts 1981, P.L.32, SEC.3; P.L.215-2016, SEC.77.

IC 4-13-1-3
Divisions of department

Sec. 3. (a) The department consists of the following divisions:
(1) General services.
(2) Property management.
(3) Information services.
(4) Public works.

(b) The commissioner may do the following:
(1) Organize the department and its divisions.
(2) Transfer or merge functions between divisions in the interest of economy and efficiency.
(3) Terminate certain divisions within the department whenever possible.

(c) The commissioner may exercise direction and supervision over the divisions in the performance of their respective functions, subject to the approval of the governor.
(Formerly: Acts 1961, c.269, s.3; Acts 1971, P.L.26, SEC.1.) As amended by Acts 1981, P.L.30, SEC.1; Acts 1981, P.L.32, SEC.4; P.L.26-1989, SEC.2; P.L.7-1993, SEC.3; P.L.49-1997, SEC.4; P.L.151-2012, SEC.1.

IC 4-13-1-4
Duties and functions

Sec. 4. The department shall, subject to this chapter, do the following:
(1) Execute and administer all appropriations as provided by law, and execute and administer all provisions of law that impose duties and functions upon the executive department of government, including executive investigation of state agencies supported by appropriations and the assembly of all required data and information for the use of the executive department and the legislative department.
(2) Supervise and regulate the making of contracts by state agencies.
(3) Perform the property management functions required by IC 4-20.5-6.
(4) Assign office space and storage space for state agencies in the manner provided by IC 4-20.5-5.
(5) Maintain and operate the following for state agencies:
(A) Central duplicating.
(B) Printing.
(C) Machine tabulating.
(D) Mailing services.
(E) Centrally available supplemental personnel and other

essential supporting services.

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund is established through which these services may be rendered to state agencies. The budget agency shall determine the amount for the general services rotary fund.

(6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The budget agency shall determine the amount to be deposited in the rotary fund.

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, communications system infrastructure, including towers and associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment that are necessary, proper, or convenient to transmit or receive voice or data communications, may be rented out under this subdivision for a term not to exceed twenty-five (25) years at a time. Revenue received from the rental of such communications system infrastructure shall be deposited in the state bicentennial capital account established by IC 4-12-1-14.9. In addition, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power

to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

(16) Adopt rules to establish and implement a "Code Adam" safety protocol as described in IC 4-20.5-6-9.2.

(17) Adopt policies and standards for making state owned property reasonably available to be used free of charge as locations for making motion pictures.

(18) Administer, determine salaries, and determine other personnel matters of the department of child services ombudsman established by IC 4-13-19-3.

(Formerly: Acts 1961, c.269, s.4; Acts 1967, c.195, s.1; Acts 1967, c.279, s.1.) As amended by Acts 1977, P.L.31, SEC.2; Acts 1978, P.L.13, SEC.1; Acts 1979, P.L.40, SEC.7; Acts 1981, P.L.30, SEC.2; Acts 1981, P.L.32, SEC.5; Acts 1982, P.L.23, SEC.1; P.L.28-1983, SEC.3; P.L.24-1985, SEC.1; P.L.26-1989, SEC.3; P.L.18-1991, SEC.3; P.L.7-1993, SEC.4; P.L.5-1993, SEC.2; P.L.49-1997, SEC.5; P.L.267-1999, SEC.1; P.L.53-2001, SEC.1; P.L.292-2001, SEC.1; P.L.177-2005, SEC.5; P.L.11-2005, SEC.1; P.L.214-2005, SEC.4; P.L.1-2006, SEC.63; P.L.182-2009(ss), SEC.54; P.L.213-2015, SEC.49.

IC 4-13-1-4.1
Repealed

(Repealed by P.L.28-1983, SEC.62.)

IC 4-13-1-4.2
Repealed

(As added by P.L.222-2005, SEC.16. Repealed by P.L.89-2006, SEC.16.)

IC 4-13-1-4.5
Repealed
(Repealed by Acts 1981, P.L.30, SEC.4.)

IC 4-13-1-5
Duties and functions; construction of chapter
Sec. 5. The enumeration of duties and functions, as designated in section 4 of this chapter, shall not be deemed exclusive nor construed as a limitation of the powers and authority vested in the department by other provisions of this chapter. This chapter shall be construed liberally to effectuate its policies and purposes to improve the financial, personnel, and managerial activities of state government.
(Formerly: Acts 1961, c.269, s.5.) As amended by P.L.5-1984, SEC.44.

IC 4-13-1-6
Repealed
(Repealed by P.L.49-1997, SEC.86.)

IC 4-13-1-7
Administrative and procedural rules and regulations
Sec. 7. The commissioner is empowered to adopt, amend, and promulgate reasonable administrative and procedural rules and regulations, consistent with any applicable law of this state, as the commissioner may consider necessary for the effective administration of this chapter. Any rules and regulations shall be issued and promulgated under IC 4-22-2.
(Formerly: Acts 1961, c.269, s.6.) As amended by P.L.5-1984, SEC.46; P.L.215-2016, SEC.78.

IC 4-13-1-8
Administrative and organizational surveys
Sec. 8. The department is hereby authorized to make administrative and organizational surveys of the departments, institutions, boards, commissions, and other agencies to determine whether the activities thereof are essential to good government and are being carried on in an economical and efficient manner and without duplication, for the purpose of determining the feasibility of improving the administration of state government by the elimination of unnecessary positions and activities, the avoidance of duplication, and by the use of improved procedures and organization.
(Formerly: Acts 1961, c.269, s.7.)

IC 4-13-1-9
State reports and publications; curtailment and elimination powers

of commissioner

Sec. 9. The commissioner shall determine the number and distribution of all state reports and publications: Provided, That said commissioner shall curtail and eliminate wherever possible all departmental reports, bulletins and publications.

(Formerly: Acts 1961, c.269, s.8.) As amended by Acts 1979, P.L.40, SEC.8.

IC 4-13-1-10

Repealed

(Repealed by P.L.3-1989, SEC.18.)

IC 4-13-1-11

Repealed

(Repealed by Acts 1981, P.L.30, SEC.4.)

IC 4-13-1-12

Official bonds of state officers and employees; approval; bonds of officers or employees of department

Sec. 12. All performance or security bonds required of state officials or employees, except such bonds as are required of elected state officials and those under their jurisdiction, shall be approved, and the amount fixed by the commissioner wherein same is not fixed by law. The commissioner may require a bond and fix the amount of any officer or employee of the department or of any other officer or employee of this state when such may be needed to protect the interest of the state and where authorized by law.

(Formerly: Acts 1961, c.269, s.11.)

IC 4-13-1-13

Repealed

(Repealed by P.L.1-1991, SEC.10.)

IC 4-13-1-13.1

Repealed

(Repealed by P.L.49-1997, SEC.86.)

IC 4-13-1-13.2

Repealed

(Repealed by P.L.49-1997, SEC.86.)

IC 4-13-1-13.5

Federal surplus property; receipt, storage, and distribution

Sec. 13.5. (a) The Indiana department of administration is designated as the state agency to receive, store, and distribute federal surplus property according to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(b) The Indiana department of administration may enter into

cooperative agreements pursuant to Section 203(n) of the Federal Property and Administrative Services Act, as amended.

(c) As to any property it elects to receive, the Indiana department of administration shall comply with the requirements of the Federal Property and Administrative Services Act of 1949, as amended.

As added by Acts 1978, P.L.14, SEC.1.

IC 4-13-1-14

Retirement credits of transferred personnel

Sec. 14. All retirement credits and any other legal rights of personnel transferred to the department shall not be impaired by Acts 1961, c.269.

(Formerly: Acts 1961, c.269, s.13.) As amended by P.L.5-1984, SEC.47.

IC 4-13-1-15

Application of law to state agencies and institutions

Sec. 15. This chapter may not be construed to restrict the powers of the state board of accounts as prescribed by IC 5-11-1 or restrict the powers and functions of the state police department as prescribed by IC 10-11-2. This chapter, except IC 4-13-1-4(1) and IC 4-13-1-4(3), does not apply to the state universities and Ivy Tech Community College of Indiana.

(Formerly: Acts 1961, c.269, s.15; Acts 1967, c.279, s.2; Acts 1971, P.L.27, SEC.1.) As amended by Acts 1981, P.L.32, SEC.6; P.L.5-1995, SEC.2; P.L.2-2003, SEC.13; P.L.127-2005, SEC.3.

IC 4-13-1-16

Public works projects and state purchases; distribution of notice pertaining to procedures and qualifications

Sec. 16. At least once each year, the department of administration shall distribute to representatives of the news media throughout Indiana a notice stating that information concerning:

(1) the notice and bidding procedures for state public works projects and state purchases of supplies and services; and

(2) the procedures for qualifying as:

(A) a contractor for the design or construction of a state public works project; or

(B) a vendor for a state purchase of services or supplies;

is available upon request from the department.

As added by P.L.28-1983, SEC.5.

IC 4-13-1-17

Insurance; loss or damage to property

Sec. 17. (a) A state agency may not purchase insurance to cover loss or damage to property.

(b) This section does not prohibit any of the following:

(1) The purchase of title insurance by a state agency.

(2) The purchase of insurance by a body corporate and politic.
(3) The purchase of insurance to meet requirements for receipt of federal funds by a state agency.
(4) The requiring of contractors to carry insurance.
(5) The purchase of insurance to cover loss or damage to real property owned by the Indiana public retirement system.
(6) The purchase of insurance to cover loss or destruction of money or securities under the control of the treasurer of state.
(7) The purchase of insurance by a state agency to cover loss or damage to exhibits, artifacts, or other materials that are loaned to the agency.
(8) The purchase of casualty and liability insurance for foster parents (as defined in IC 27-1-30-4) on a group basis.
(9) The purchase of personal liability insurance under IC 4-13-20.

As added by P.L.24-1985, SEC.2. Amended by P.L.14-1986, SEC.1; P.L.28-1987, SEC.1; P.L.29-1987, SEC.1; P.L.28-1989, SEC.1; P.L.35-2012, SEC.19; P.L.223-2013, SEC.1.

IC 4-13-1-18
Disputes and bid protests; procedural rules; judicial review

Sec. 18. (a) The department may adopt rules under IC 4-22-2 providing procedures for disputes and bid protests.

(b) Judicial review of the department's decision in a dispute or bid protest is available only after exhausting the administrative remedies set forth in the rules.

As added by P.L.5-1993, SEC.3.

IC 4-13-1-19
Property interests in contract awards

Sec. 19. A bidder or an offeror does not gain a property interest in the award of a contract by the department unless the bidder or offeror is awarded the contract and the contract is completely executed.

As added by P.L.5-1993, SEC.4.

IC 4-13-1-20
Inspection, appraisal, and inventory of property; reports; rules governing protection and custody

Sec. 20. (a) This section does not apply to property covered under IC 4-20.5-6-3.

(b) The department shall do both of the following:
(1) Provide for the periodic inspection, appraisal, and inventory of all of the state's property.
(2) Require reports from each state agency concerning the property in the custody of each state agency.

(c) The department may adopt rules under IC 4-22-2 to govern the protection and custody of the property of the state.

As added by P.L.7-1993, SEC.5.

IC 4-13-1-21
Provision of false information; sanctions

Sec. 21. The department may impose any of the following sanctions if the department determines that a bidder, offeror, or contractor has knowingly or intentionally provided false information to the department:

(1) The bidder or offeror may be declared nonresponsive or nonresponsible.

(2) The department may:

(A) find the contractor in breach of the contract; and

(B) recover all amounts paid under the contract.

(3) The department may bar the bidder, offeror, or contractor from doing business with the state for a period not to exceed three (3) years.

As added by P.L.29-1993, SEC.1.

IC 4-13-1-22
Report on professional services contracts

Sec. 22. (a) As used in this section, "professional services" means the furnishing of services by any of the following:

(1) A person licensed, certified, or registered under IC 25-2.1 or by any board listed in IC 25-1-5-3.

(2) An attorney.

(3) An expert witness, a court reporter, or an investigator retained by the state in connection with judicial or administrative proceedings involving the state.

(4) A minister, priest, rabbi, or another person empowered by the person's religious faith to conduct religious services or to provide spiritual counseling or guidance.

(5) A person who performs services, the satisfactory rendition of which depends upon the person's unique training or skills.

(b) Before August 15 of each year, each state agency shall file with the commissioner a report concerning the professional services contracts that:

(1) were awarded by that state agency during the previous state fiscal year; and

(2) were not procured through the Indiana department of administration.

(c) Before October 1 of each year, the commissioner shall compile and make available for public inspection a report concerning the professional services contracts awarded by each state agency during the preceding state fiscal year.

As added by P.L.49-1997, SEC.6.

IC 4-13-1-23
Central warehouse for supplies; warehousing and stationery

revolving fund

Sec. 23. (a) As used in this section, "supplies" has the meaning set forth in IC 5-22-2-38.

(b) The commissioner shall establish a central warehouse.

(c) Whenever the commissioner considers it advantageous to purchase supplies for use by state agencies for industries or for general operating purposes, the commissioner may do so and store the supplies in the state warehouse. The cost of purchasing the supplies and the expense incident to storing them shall be paid in the first instance from the warehousing and stationery revolving fund established by subsection (f).

(d) The commissioner shall keep all state agencies informed of the supplies available in the warehouse.

(e) The same procedure for requesting supplies from the warehouse shall be followed as in requesting a purchase of the supplies except that the request shall specify that the supplies shall be drawn from the warehouse. The commissioner shall invoice to each state agency, and file a claim for reimbursement for any supplies furnished. The commissioner shall add to the actual cost an amount sufficient to pay for all warehouse and handling charges. The commissioner may not charge an amount in excess of the actual cost and expense so as to show a profit in operating the warehouse.

(f) The warehousing and stationery revolving fund is established. The fund may not exceed six hundred thousand dollars ($600,000). The fund must be used for the following:

(1) Establishing a central warehouse.

(2) Purchasing supplies when, in the commissioner's opinion, it is advantageous or essential to the proper and economical operation of state government.

As added by P.L.49-1997, SEC.7.

IC 4-13-1-24

Quantity purchase agreements for road salt or similar products

Sec. 24. (a) As used in this section, "salt" means road salt or another product used to treat snow or ice, or both snow and ice.

(b) The department shall award quantity purchase agreements to vendors for the purchase of salt under IC 5-22.

(c) A quantity purchase agreement awarded under this section must require the vendor to offer to political subdivisions salt under the quantity purchase agreement as provided in IC 5-22-17-9.

(d) Political subdivisions:

(1) may participate in the solicitation of purchase of salt by submitting the estimated volume of use to the department; and

(2) shall be committed to purchasing the minimum fill percentage submitted for solicitation.

(e) The department may adopt rules under IC 4-22-2 for management and control of the process by which political subdivisions may purchase salt.

As added by P.L.54-2009, SEC.1.

IC 4-13-1-25
Quantity purchase agreements for emergency services equipment

Sec. 25. (a) As used in this section, "emergency services equipment" refers to the following:

(1) Fire trucks.
(2) Emergency service vehicles.
(3) Firefighting tools.
(4) Protective wear.
(5) Breathing apparatuses.
(6) Communication devices, including hand held devices and vehicle radios.
(7) Similar products used by public safety service providers.

(b) As used in this section, "public safety service provider" has the meaning set forth in IC 10-19-9-2.

(c) As used in this section, "purchaser" includes the following:

(1) A political subdivision.
(2) A fire department established under IC 36-8-2-3.
(3) A volunteer fire department (as defined in IC 36-8-12-2).
(4) The board of fire trustees of a fire protection district established under IC 36-8-11.
(5) The provider unit of a fire protection territory established under IC 36-8-19.
(6) A law enforcement agency of a political subdivision.
(7) An emergency medical services agency of a political subdivision.

(d) The department shall award quantity purchase agreements under IC 5-22 to vendors for the purchase of emergency services equipment.

(e) A quantity purchase agreement awarded under this section must require the vendor to offer to purchasers emergency services equipment under the quantity purchase agreement.

(f) Purchasers may participate in the solicitation of purchases of emergency services equipment. To participate in the solicitation of purchases of emergency services equipment, a purchaser must do the following:

(1) Submit estimated quantities to the department.
(2) Commit to purchasing the minimum fill percentage submitted for solicitation.

(g) The department may adopt rules under IC 4-22-2 for management and control of the process by which purchasers may purchase emergency services equipment under this section.

As added by P.L.14-2012, SEC.1. Amended by P.L.13-2013, SEC.5.

IC 4-13-1-26
Appropriations to defease bonds

Sec. 26. (a) The following amounts are appropriated to the

department for the state fiscal year ending June 30, 2013:

(1) Seventy million dollars ($70,000,000) to defease any remaining bonds on the state museum.

(2) Fifty-eight million dollars ($58,000,000) to defease any remaining bonds on the forensics and health sciences lab.

(b) Money appropriated under this section may not be used for any other purpose.

As added by P.L.205-2013, SEC.65.

IC 4-13-1.1

Chapter 1.1. Location of State Agencies in Downtown Areas

IC 4-13-1.1-1
"Americans with Disabilities Act"

Sec. 1. As used in this chapter, "Americans with Disabilities Act" refers to the federal Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments and regulations related to the act.
As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-2
"Commissioner"

Sec. 2. As used in this chapter, "commissioner" refers to the commissioner of the Indiana department of administration.
As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-3
"Department"

Sec. 3. As used in this chapter, "department" refers to the Indiana department of administration created under IC 4-13-1-2.
As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-4
"Downtown"

Sec. 4. As used in this chapter, "downtown" refers to:

(1) the central business district of a city, town, or township;

(2) any commercial or mixed use area within a neighborhood of a city, town, or township that has traditionally served, since the founding of the community, as the retail service and communal focal point within the community;

(3) an enterprise zone established under IC 5-28-15; or

(4) a brownfield revitalization zone established under IC 6-1.1-42.

As added by P.L.252-1999, SEC.1. Amended by P.L.4-2005, SEC.15.

IC 4-13-1.1-5
"State agency"

Sec. 5. As used in this chapter, "state agency" means:

(1) an agency described in IC 4-13-1-1; or

(2) a license branch operating under IC 9-14.1.

As added by P.L.252-1999, SEC.1. Amended by P.L.198-2016, SEC.4.

IC 4-13-1.1-6
Policy establishment

Sec. 6. Except as provided in section 9 of this chapter, the department shall establish policy to encourage state agencies to locate leased and state constructed facilities in downtown areas.

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-7
Policy exemptions

Sec. 7. The policy established under section 6 of this chapter may exempt certain agencies or activities from the policy.
As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-8
Factors for consideration

Sec. 8. The policy established under section 6 of this chapter must focus on the following:

(1) Local economic considerations.
(2) The requirements of the agency.
(3) Servicing client needs.
(4) The availability of suitable space.
(5) Competitiveness in the market place.
(6) Ability to create positive impact on local small business.

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-9
Prohibition on increased taxes

Sec. 9. Notwithstanding section 6 of this chapter, the policy established by the department under section 6 of this chapter may not encourage state agencies to locate leased and state constructed facilities in downtown areas if doing so would result in new or increased taxes to the citizens of Indiana.
As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-10
Restoration or reuse of existing structures

Sec. 10. (a) The policy established by the department under section 6 of this chapter must give primary consideration to the restoration or reuse, or both, of existing structures within a downtown area.

(b) When using existing structures, reasonable efforts shall be made to:

(1) restore or rebuild the structure's facade, maintaining the architectural integrity of the building and streetscape according to the standards for rehabilitation under 36 CFR 68; and
(2) ensure that the structure meets the federal Americans with Disabilities Act requirements in an aesthetically pleasing manner.

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-11
State construction of facilities

Sec. 11. (a) The policy established by the department under

section 6 of this chapter must give secondary consideration to state construction of facilities within a downtown area if the restoration or reuse, or both, of existing structures within a downtown area is not determined to be a reasonable alternative by the department.

(b) With regard to state constructed facilities, the policy established by the department must provide that reasonable efforts shall be made to:

(1) make the scale and facade of the structure maintain the architectural integrity of the existing streetscape;

(2) ensure that the structure meets the federal Americans with Disabilities Act requirements in an aesthetically pleasing manner;

(3) deny a request from a state agency to locate or to relocate outside a downtown area unless it is documented that no reasonable alternative exists. Lack of onsite parking is not alone sufficient documentation when alternative parking is available in a downtown area; and

(4) coordinate the location of state constructed facilities with existing public and private sector organizations committed to community development, downtown revitalization, and historic preservation.

As added by P.L.252-1999, SEC.1.

IC 4-13-1.1-12

Report to legislative council; duty

Sec. 12. Not later than July 1 of each year, the department shall report in an electronic format under IC 5-14-6 to the legislative council concerning the implementation of this chapter.

As added by P.L.252-1999, SEC.1. Amended by P.L.28-2004, SEC.39.

IC 4-13-1.1-13

Report to legislative council; requirements

Sec. 13. The report submitted under section 12 of this chapter must include the following information:

(1) The total number of leased and state constructed facilities reviewed by the department during the prior year.

(2) The number of leased and state constructed facilities that were located in downtown areas.

(3) If a leased or state constructed facility was not located in a downtown area, the reason for the lease or facility being located outside a downtown area.

(4) The number of leases and state constructed facilities that included the restoration and reuse, or both, of an existing structure.

(5) Measures taken by the department to encourage state agencies to locate in downtown areas.

As added by P.L.252-1999, SEC.1.

IC 4-13-1.2

Chapter 1.2. Department of Correction Ombudsman Bureau

IC 4-13-1.2-1

"Bureau" defined

Sec. 1. As used in this chapter, "bureau" refers to the department of correction ombudsman bureau established by section 3 of this chapter. The term includes individuals approved to act in the capacity of ombudsmen by the department of correction ombudsman bureau.

As added by P.L.292-2001, SEC.2.

IC 4-13-1.2-2

"Ombudsman" defined

Sec. 2. As used in this chapter, "ombudsman" means an employee of the bureau or an individual approved by the bureau to investigate and resolve complaints that the department of correction endangered the health and safety of any person, or that the department of correction violated specific laws, rules, or written policies.

As added by P.L.292-2001, SEC.2.

IC 4-13-1.2-3

Ombudsman bureau; separate bureau within department of administration

Sec. 3. The department of correction ombudsman bureau is established as a separate bureau within the department of administration.

As added by P.L.292-2001, SEC.2.

IC 4-13-1.2-4

Appointment of director by governor; technical experts and other employees

Sec. 4. (a) The governor shall appoint a director of the bureau. The governor shall appoint a successor director within thirty (30) days after a vacancy occurs in the position of the director. The director serves at the pleasure of the governor.

(b) The director may employ technical experts and other employees to carry out the purposes of this chapter. However, the director may not hire an individual to serve as an ombudsman who has been employed by the department of correction during the preceding year.

As added by P.L.292-2001, SEC.2.

IC 4-13-1.2-5

Powers of ombudsman; reports, notices, and recommendations following report; notice of decision not to investigate; evidence of crimes

Sec. 5. (a) The ombudsman may receive, investigate, and attempt

to resolve complaints that the department of correction:

(1) violated a specific law, rule, or department written policy; or

(2) endangered the health or safety of any person.

However, the ombudsman shall not investigate a complaint from an employee of the department of correction that relates to the employee's employment relationship with the department of correction.

(b) At the conclusion of an investigation of a complaint, the ombudsman shall report the ombudsman's findings to the complainant.

(c) If the ombudsman does not investigate a complaint, the ombudsman shall notify the complainant of the decision not to investigate and the reasons for the decision.

(d) The ombudsman shall create a monthly report that includes a summary of the findings of all substantiated complaints.

(e) The ombudsman may conduct investigations of alleged violations of department of correction policy, state or federal laws, and department of correction administrative rules at any department of correction facility.

(f) The ombudsman may recommend changes to the commissioner of the department of correction concerning department of correction policies or practices based upon information learned or observations made by the ombudsman during the course of an investigation.

(g) If the ombudsman discovers evidence that the ombudsman reasonably believes constitutes the commission of a crime, the ombudsman immediately shall, if the ombudsman considers it appropriate, inform the commissioner of the department of correction, who shall conduct an investigation. If, after conducting the investigation, the commissioner has reasonable suspicion to believe that a crime has been committed, the commissioner shall:

(1) if the crime involves any person who is not an offender, immediately report the crime to an appropriate law enforcement agency; and

(2) if no person other than an offender is involved in the crime, immediately report the crime to an appropriate law enforcement agency if the commissioner believes that the prison disciplinary process is not appropriate.

As added by P.L.292-2001, SEC.2. Amended by P.L.69-2014, SEC.1.

IC 4-13-1.2-6

Access to records and facilities; immunity for release of records

Sec. 6. (a) An ombudsman shall be given:

(1) appropriate access to the records of an offender who files a complaint under this chapter; and

(2) immediate access to any correctional facility administered or supervised by the department of correction.

(b) A state or local government agency or entity that has records

that are relevant to a complaint or an investigation conducted by the ombudsman shall provide the ombudsman with access to the records.

(c) A person is immune from:

(1) civil or criminal liability; and

(2) actions taken under a professional disciplinary procedure dealing with an employee of the department of correction;

for the release or disclosure of records to the ombudsman under this chapter.

As added by P.L.292-2001, SEC.2.

IC 4-13-1.2-7

Duties of ombudsman; privileged communication

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

(1) Establish procedures to receive and investigate complaints.

(2) Establish access controls for all information maintained by the bureau.

(3) Except as is necessary to investigate and resolve a complaint, ensure that the identity of a complainant will not be disclosed without:

(A) the complainant's written consent; or

(B) a court order.

(b) The correspondence and communication between the ombudsman and any person is a privileged communication.

As added by P.L.292-2001, SEC.2.

IC 4-13-1.2-8

Adoption of rules

Sec. 8. The bureau may adopt rules under IC 4-22-2 necessary to carry out this chapter.

As added by P.L.292-2001, SEC.2.

IC 4-13-1.2-9

No civil liability for good faith performance of duties

Sec. 9. The ombudsman is not civilly liable for the good faith performance of official duties.

As added by P.L.292-2001, SEC.2.

IC 4-13-1.2-10

Annual report on ombudsman bureau

Sec. 10. (a) The director of the bureau shall prepare a report each year on the operations of the bureau.

(b) A copy of the report shall be provided to the following:

(1) The governor.

(2) The legislative council.

(3) The department.

(4) The department of correction.

A report provided under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

As added by P.L.292-2001, SEC.2. Amended by P.L.28-2004, SEC.40.

IC 4-13-1.2-11
Violations; penalty

Sec. 11. A person who interferes with the ombudsman is subject to criminal prosecution under IC 35-44.2-1-4.

As added by P.L.292-2001, SEC.2. Amended by P.L.126-2012, SEC.9.

IC 4-13-1.2-12
Office space for ombudsman bureau

Sec. 12. The department of administration shall provide and maintain office space for the bureau.

As added by P.L.292-2001, SEC.2.

IC 4-13-1.3

Chapter 1.3. State Purchasing

IC 4-13-1.3-1

"Department" defined

Sec. 1. As used in this chapter, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

As added by P.L.49-1997, SEC.8.

IC 4-13-1.3-2

"State agency" defined

Sec. 2. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1.

As added by P.L.49-1997, SEC.8.

IC 4-13-1.3-3

Powers and duties of department

Sec. 3. (a) The department shall do the following:

(1) Act as the purchasing agent for state agencies under IC 5-22.

(2) Purchase or supervise the purchase of all supplies and services for state agencies.

(3) Exercise general supervision over all inventories of supplies retained by state agencies.

(4) Establish and maintain programs for the inspection, testing, and acceptance of supplies and services purchased for state agencies.

(5) Cooperate with the budget agency and the auditor of state in the preparation of statistical data concerning the purchase, usage, and disposition of all supplies and services. In preparing reports under this subdivision, the department may require state agencies to submit reports concerning usage, needs, and inventory.

(b) The department may do the following:

(1) Delegate its authority to a state agency.

(2) Enter into an agreement with a political subdivision under IC 36-1-7, to make purchases for the political subdivision.

As added by P.L.49-1997, SEC.8.

IC 4-13-1.3-4

Powers of department regarding purchasing and contracting by state agencies

Sec. 4. (a) The department may do the following regarding purchasing and contracting by state agencies:

(1) Adopt rules under IC 4-22-2 necessary to implement IC 5-22.

(2) Consider and decide matters of policy.

(3) Enforce IC 5-22 and rules adopted under subdivision (1).

(b) The department may not adopt rules that affect the rights or

obligations of the state or of a contractor under a contract in existence on the effective date of a rule.
As added by P.L.49-1997, SEC.8.

IC 4-13-1.3-5
Purchasing representative

Sec. 5. (a) Each state agency shall nominate a purchasing representative from among its employees to the department. The department may appoint the nominated employee as the purchasing representative or request another nomination.

(b) The purchasing representative shall do the following:

(1) Serve as a liaison between the state agency and the department.

(2) Prepare all forms that the department requires to be completed by the state agency.

(c) If a state agency has branches, facilities, or institutions located at multiple sites, the department may appoint a purchasing representative for any or all of the sites.

(d) The department shall provide training in purchasing procedures for the purchasing representatives.

(e) If a purchasing representative's actions are not satisfactory to the department, the department may revoke the appointment of the representative and require the state agency to nominate another representative.

(f) A state agency may not make purchases during any period during which the state agency does not have a purchasing representative.
As added by P.L.49-1997, SEC.8.

IC 4-13-1.3-6
Management of department's purchasing functions

Sec. 6. The commissioner of the department may organize and manage the purchasing functions of the department as the commissioner considers appropriate.
As added by P.L.49-1997, SEC.8.

IC 4-13-1.4

Chapter 1.4. Development of Recycled Materials Market

IC 4-13-1.4-1

"Department"

Sec. 1. As used in this chapter, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

As added by P.L.49-1997, SEC.9.

IC 4-13-1.4-2

"State agency"

Sec. 2. As used in this chapter, "state agency" means any of the following:

(1) A state agency (as defined in IC 4-13-1-1).

(2) Any other authority, board, branch, commission, committee, department, division, or other instrumentality of the executive branch of state government, including the following:

(A) A state educational institution.

(B) A license branch operated or administered under IC 9-14.1.

(C) The state police department created by IC 10-11-2-4.

As added by P.L.49-1997, SEC.9. Amended by P.L.2-2003, SEC.14; P.L.2-2007, SEC.34; P.L.198-2016, SEC.5.

IC 4-13-1.4-3

"Supplies"

Sec. 3. As used in this chapter, "supplies" has the meaning set forth in IC 5-22-2-38.

As added by P.L.49-1997, SEC.9.

IC 4-13-1.4-4

Specifications for public purchases

Sec. 4. (a) The department shall prepare specifications under IC 5-22-5 for the purchase by state agencies of products:

(1) that meet the reasonable requirements of the state;

(2) that are made from recycled materials; and

(3) the use of which is technologically and economically feasible.

(b) The department shall accept and consider comments from the officers of state agencies in the preparation of the specifications required by this section.

As added by P.L.49-1997, SEC.9.

IC 4-13-1.4-5

Implementation of specifications

Sec. 5. The department and all state agencies shall implement the specifications prepared under section 4 of this chapter in the purchase of the following:

(1) Paper and paper products.
(2) Plastic and plastic products.
(3) Glass and glass products.
(4) Motor oil and other lubricants.
(5) Compost.
(6) Construction materials.
(7) Tires and products derived from waste tires.

As added by P.L.49-1997, SEC.9.

IC 4-13-1.4-6

Contracts for purchases of supplies; required report

Sec. 6. (a) This section does not require the reporting of purchases made by special disbursing officers.

(b) Except as provided in subsection (d), each state agency that has entered into at least one (1) contract for the purchase of supplies shall prepare and submit to the department a written report concerning the contracts. The report must present information on contracts entered into during the twelve (12) months immediately preceding the date of the report.

(c) A report required by this section must set forth the following information:

(1) The number of contracts entered into by the state agency during the period.

(2) The total dollar amount to be paid by the state under the contracts.

(3) A list of the types of products made from recycled materials that were purchased by the state agency during the period, including the following:

(A) Paper and paper products.
(B) Plastic products.
(C) Glass and glass products.
(D) Compost and other materials created through the recovery of landscape waste.
(E) Used oil, solvents, and paint.
(F) Coal combustion wastes.
(G) Waste tires and products derived from waste tires.

(4) For each of the types of products made from recycled materials that are listed in subdivision (3), the following information must be included:

(A) The total number of contracts entered into by the state agency.
(B) The total dollar amount to be paid by the state under the contracts.
(C) A figure indicating in the aggregate, for each type of product, the percentage of the content of the products purchased that consisted of recycled materials.

(5) For each type of product made from recycled materials that are listed in subdivision (3), the following information must be

included:

(A) The total number of contracts to which a price preference under IC 5-22-15-16 applied.

(B) The amount to be paid by the state under contracts to which a price preference under IC 5-22-15-16 applied.

(6) For each type of product made from recycled materials that are listed in subdivision (3), the following information must be included:

(A) The total number of contracts to which a price preference under IC 5-22-15-16 did not apply.

(B) The amount to be paid by the state under contracts to which a price preference under IC 5-22-15-16 did not apply.

(d) A state agency that makes all purchases during a year through the department is not required to file a report under this section. The department shall keep a record of all purchases described in this subsection that are made for a state agency by the department.

(e) The department shall establish guidelines and a format for the reports required by this section.

As added by P.L.49-1997, SEC.9.

IC 4-13-1.4-7

Reports filed on quarterly basis

Sec. 7. Reports required under section 6 of this chapter must be filed on a quarterly basis. The department shall determine the deadline for each quarterly report.

As added by P.L.49-1997, SEC.9.

IC 4-13-1.4-8

Recycled products guide

Sec. 8. (a) Each year the department shall produce and distribute a recycled products guide for use by all state and local government purchasing agents. The guide must include the following:

(1) Instructions concerning how local government purchasing agents may purchase recycled materials through the department.

(2) A list of products that may be purchased through the department.

(b) The department shall annually revise and update the guide produced under this section.

As added by P.L.49-1997, SEC.9.

IC 4-13-1.4-9

Conferences

Sec. 9. Each year the department shall, in cooperation with the lieutenant governor, host at least one (1) conference to bring together the following:

(1) Purchasing agents.

(2) Suppliers of products made from recycled materials.

As added by P.L.49-1997, SEC.9. Amended by P.L.1-2006, SEC.64.

IC 4-13-1.4-10

Report on effectiveness of state policies regarding purchasing products made from recycled material

Sec. 10. (a) Before October 1 of each year, the department shall submit to the general assembly a report in an electronic format under IC 5-14-6 on the effectiveness of the state policies concerning the purchase of products made from recycled materials. In this report the department may recommend revisions to the purchasing policies.

(b) The report required under subsection (a) must include the name of each agency that was late in providing or failed to provide the department with the information required for the department to submit the report.

As added by P.L.49-1997, SEC.9. Amended by P.L.28-2004, SEC.41.

IC 4-13-1.5
Repealed
(Repealed by P.L.28-1983, SEC.62.)

IC 4-13-1.6

Chapter 1.6. Statewide Price Contracts for Certain School Corporation Purchases of Major Equipment Items

IC 4-13-1.6-1

"Contractor"

Sec. 1. As used in this chapter, "contractor" means a person awarded a price contract.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-2

"Department"

Sec. 2. As used in this chapter, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-3

"Major equipment item"

Sec. 3. (a) As used in this chapter, "major equipment item" refers to any item that a school corporation considers:

(1) a significant equipment purchase; and

(2) reasonably likely to be purchased by several school corporations.

(b) The term does not include the following:

(1) Curricular materials (as defined in IC 20-18-2-2.7).

(2) A special purpose bus (as defined in IC 20-27-2-10).

(3) A school bus (as defined in IC 20-27-2-8).

As added by P.L.49-1997, SEC.10. Amended by P.L.1-2005, SEC.60; P.L.73-2011, SEC.1; P.L.286-2013, SEC.2.

IC 4-13-1.6-4

"Price contract"

Sec. 4. As used in this chapter, "price contract" refers to a contract entered into by the department under section 11 of this chapter.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-5

"School corporation"

Sec. 5. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16.

As added by P.L.49-1997, SEC.10. Amended by P.L.1-2005, SEC.61.

IC 4-13-1.6-6

Report by school corporation on major equipment purchases

Sec. 6. Before January 1 of a school year, each school corporation may report to the department the following information concerning major equipment purchases:

(1) The school corporation's anticipated requirements for

purchase of a particular major equipment item for the following school year under a price contract.

(2) Any special requirements or specifications for the major equipment item the school corporation wishes to purchase, including the special requirements or specifications for the particular major equipment item:

(A) required by law; or

(B) that an entity authorized or required by law establishes.

(3) The cost of the major equipment items that will be purchased in each of the following categories:

(A) By cash.

(B) Under a security agreement.

(4) Other information requested by the department.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-7

Compilation of major equipment items purchased

Sec. 7. Before February 1 of each year, the department shall compile the number of major equipment items reported under section 6 of this chapter.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-8

Specifications for major equipment items

Sec. 8. Subject to IC 5-22-5, the department shall develop specifications for the major equipment items to be purchased. In developing specifications, the department:

(1) shall consider the requirements and specifications reported by school corporations under section 6 of this chapter; and

(2) must comply with the requirements and specifications for the particular major equipment item:

(A) required by law; or

(B) that an entity authorized or required by law establishes.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-9

Solicitation of bids or proposals for major equipment items

Sec. 9. If the department believes that it will be cost effective to award a price contract for a major equipment item, the department shall solicit bids or proposals for the major equipment item under IC 5-22.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-10

Solicitation; contents

Sec. 10. A solicitation must include the following:

(1) Notice that a bid or proposal must include prices based both on cash sales and sales under security agreements.

(2) The provisions of the price contract required under section 13 of this chapter.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-11

Public purchases; award of contract

Sec. 11. The department shall award a contract under IC 5-22.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-12

Price contracts; award to more than one contractor

Sec. 12. The department may award price contracts to more than one (1) contractor.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-13

Price contracts; contents

Sec. 13. A price contract must contain the following provisions:

(1) The term of the price contract.

(2) A requirement that the contractor must sell a major equipment item meeting specifications set forth in the solicitation at the price offered for the major equipment item in the contractor's bid or proposal.

(3) A requirement that the contractor must sell to a school corporation requesting a purchase under the price contract.

(4) Except as provided in the solicitation, a statement specifying that estimates of the number and kind of major equipment item to be purchased do not bind the state to purchase a given number or kind of major equipment item.

(5) A statement specifying that a contractor is not required to sell under the price contract if the number of major equipment items previously purchased exceeds the number of major equipment items estimated in the solicitation for the number of major equipment items to be purchased.

(6) A requirement that the contractor and the school corporation must enter into a separate contract for the purchase of a major equipment item.

(7) A statement specifying that the state is not a party to a contract under subdivision (6).

(8) If the term of the price contract is for more than one (1) year, a statement specifying what constitutes a significant variation from the number of major equipment items or kind of major equipment item to be purchased in the years following the first year of the price contract for purposes of section 14 of this chapter.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-14

Variations in number or kinds of major equipment items

Sec. 14. (a) This section applies only:

(1) if the term of the price contract is for more than one (1) year; and

(2) after the first year of the term of the price contract.

(b) If the number of major equipment items or kind of major equipment items purchased by school corporations varies significantly from those indicated in the solicitation for the price contract, the department may take any of the following actions:

(1) Purchase any excess or different major equipment item required under a new price contract.

(2) With the consent of the contractor, amend the contract to reflect the change in quantities or types of major equipment items to be purchased.

(3) With the consent of the contractor, cancel the price contract and solicit for a new price contract.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-15

Separate contract for major equipment item purchase; consistency with price contract required

Sec. 15. A contract entered into under section 13(6) of this chapter may not be inconsistent with the price contract.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.6-16

Price contracts; use by school corporations

Sec. 16. The department may require a school corporation that requests to use a price contract to agree to purchase major equipment items using the price contract as indicated in the school corporation's request.

As added by P.L.49-1997, SEC.10.

IC 4-13-1.7

Chapter 1.7. Federal Surplus Property

IC 4-13-1.7-1

"Commissioner" defined

Sec. 1. As used in this chapter, "commissioner" refers to the commissioner of the department.

As added by P.L.49-1997, SEC.11.

IC 4-13-1.7-2

"Department" defined

Sec. 2. As used in this chapter, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

As added by P.L.49-1997, SEC.11.

IC 4-13-1.7-3

"Federal government" defined

Sec. 3. As used in this chapter, "federal government" refers to the United States, or an agency, a board, a bureau, a commission, a department, a division, an instrumentality, an office, or an officer of the United States.

As added by P.L.49-1997, SEC.11.

IC 4-13-1.7-4

"Governmental body" defined

Sec. 4. As used in this chapter, "governmental body" has the meaning set forth in IC 5-22-2-13.

As added by P.L.49-1997, SEC.11.

IC 4-13-1.7-5

"Supplies" defined

Sec. 5. As used in this chapter, "supplies" has the meaning set forth in IC 5-22-2-38.

As added by P.L.49-1997, SEC.11.

IC 4-13-1.7-6

"Transfer" defined

Sec. 6. As used in this chapter, "transfer" includes the sale, conditional sale, lease with option to purchase, lease, contract for use, grant, or gift.

As added by P.L.49-1997, SEC.11.

IC 4-13-1.7-7

Department to act as agent for governmental bodies

Sec. 7. The department shall act as the agent for all governmental bodies and may enter into an agreement with the federal government for the transfer of federal surplus supplies to a governmental body.

As added by P.L.49-1997, SEC.11.

IC 4-13-1.7-8
Information obtained from federal government

Sec. 8. The department shall obtain information from the federal government concerning the following:

(1) Available supplies of federal surplus supplies.

(2) The price or other consideration required by the federal government for the transfer of the federal surplus supplies.

(3) Other terms and conditions required for transfer of the federal surplus supplies.

As added by P.L.49-1997, SEC.11.

IC 4-13-1.7-9
Availability of information obtained from federal government

Sec. 9. The department shall make available to all governmental bodies information described in section 8 of this chapter.

As added by P.L.49-1997, SEC.11.

IC 4-13-1.7-10
Deputies, assistants, and employees; appointment

Sec. 10. Subject to the approval of the governor, the commissioner may appoint and employ deputies, assistants, and employees necessary to administer this chapter efficiently.

As added by P.L.49-1997, SEC.11.

IC 4-13-1.7-11
Revolving fund; establishment

Sec. 11. (a) With the approval of the state board of finance, a revolving fund may be established for the department to expedite transfers under this chapter.

(b) The fund established under this section shall be reimbursed from the governmental body receiving the transfer of the federal surplus supplies.

As added by P.L.49-1997, SEC.11.

IC 4-13-2

Chapter 2. Financial Reorganization Act of 1947

IC 4-13-2-0.1

Effect of certain amendments made to chapter

Sec. 0.1. The amendments made to section 20 of this chapter by P.L.21-1992 with respect to contracts described in section 20(i) of this chapter take effect July 1, 1992.

As added by P.L.220-2011, SEC.28.

IC 4-13-2-1

Short title of act; definitions

Sec. 1. (a) This chapter may be known and cited as the "Financial Reorganization Act of 1947".

(b) This chapter applies to all agencies of the state. As used in this chapter, "agency" refers to every officer, board, commission, department, division, bureau, committee, employee, and other instrumentality of the state, including: state hospitals, state penal institutions, and other state institution enterprises and activities wherever located, except, unless specifically included, the following:

(1) Military officers and military and armory boards of the state.

(2) The state fair commission.

(3) The supreme court and the court of appeals.

(4) the legislative department of state government including:

(A) the senate;

(B) the house of representatives;

(C) the legislative council; and

(D) the legislative services agency.

(5) State educational institutions.

(6) Persons and institutions under the control of an entity described in subdivision (1), (2), (3), (4), or (5).

(7) All counties, cities, towns, townships, school towns, townships, and other municipal corporations or political subdivisions of the state.

(c) As used in this chapter, "supplies", "materials", "equipment", and "services" means any and all articles and things, and all services other than personal, used by, or furnished to, any agency, including printing, binding, publication of books and records, repairs and improvements, utility services, and any and all other services required for the maintenance, operation, or upkeep of buildings and offices.

(d) The enumeration of the things specified in this section are not exclusive.

(Formerly: Acts 1947, c.279, s.1; Acts 1967, c.184, s.1.) As amended by Acts 1981, P.L.31, SEC.1; P.L.30-1987, SEC.1; P.L.20-1990, SEC.1; P.L.5-1995, SEC.3; P.L.2-2007, SEC.35.

IC 4-13-2-1.5

State judicial and legislative departments; agency status; application of IC 4-13-2-5.2 and IC 4-13-2-19

Sec. 1.5. (a) Notwithstanding section 1 of this chapter, the term "agencies of state", "state agency", or "agency", as used in sections 7, 19, 21, and 23 of this chapter, include the judicial and legislative departments of state government.

(b) Notwithstanding section 1 of this chapter, section 19 of this chapter applies to the judicial and legislative departments of state government.

(c) Notwithstanding section 1 of this chapter, section 5.2 of this chapter applies to a body corporate and politic.

As added by Acts 1981, P.L.32, SEC.7. Amended by P.L.336-1989(ss), SEC.2.

IC 4-13-2-2

Repealed

(Repealed by P.L.24-1985, SEC.25(b).)

IC 4-13-2-3

Repealed

(Repealed by P.L.24-1985, SEC.25(b).)

IC 4-13-2-4

Director of auditing

Sec. 4. The auditor of state shall be director of auditing by virtue of the auditor of state's office as auditor of state.

(Formerly: Acts 1947, c.279, s.4.) As amended by P.L.5-1984, SEC.48; P.L.215-2016, SEC.79.

IC 4-13-2-5

Repealed

(Repealed by P.L.49-1997, SEC.86.)

IC 4-13-2-5.1

Repealed

(Repealed by P.L.49-1997, SEC.85.)

IC 4-13-2-5.2

Contracts to provide supplies to body corporate and politic; submission of bids by trusts; contents

Sec. 5.2. (a) This section applies to a body corporate and politic.

(b) Whenever a contract to provide supplies to the body corporate and politic is awarded by competitive sealed bidding, a bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(1) beneficiary of the trust; and

(2) settlor empowered to revoke or modify the trust.

As added by P.L.336-1989(ss), SEC.3.

IC 4-13-2-6
Budget agency; powers and duties

Sec. 6. Subject to the applicable provisions of this chapter and to other laws not inconsistent with this chapter, the budget agency shall have the following powers and duties respecting all agencies of the state:

(1) To prescribe, with the approval of the commissioner of the department of administration and the auditor of state, the procedures to be used in submitting requisitions for supplies, materials, equipment, printing, and contractual services and the manner in which claims therefor shall be submitted.

(2) To have such other powers and duties respecting all agencies of the state as may be imposed upon it by law or transferred to it by the provisions of this chapter.

(Formerly: Acts 1947, c.279, s.6.) As amended by P.L.5-1984, SEC.49.

IC 4-13-2-7
Powers and duties of auditor of state

Sec. 7. (a) Subject to this chapter and other laws not inconsistent with this chapter, the auditor of state shall, respecting all agencies of the state, do the following:

(1) Maintain the centralized accounting records for the state, keep the general books of accounts on a double entry basis, and maintain accounts as will reflect in detail or in summary, all assets, liabilities, reserves, surpluses, revenues and receipts, appropriations, allotments, expenditures, and encumbrances except as otherwise provided in this chapter. The accounting records and procedures must provide complete fiscal control over all agencies of the state and over all activities carried on by them and be upon forms, records, and systems approved by the state board of accounts.

(2) Examine every receipt, account, bill, claim, refund, and demand against the state arising from activities carried on by agencies of the state, approve each legal, correct, and proper claim, designate the account to be charged therefor, and issue the auditor's warrant in payment thereof. The auditor of state may authorize the disbursement through electronic funds transfer in conformity with IC 4-8.1-2-7. All warrants and electronic funds transfers shall be payable to the vendor or claimant and in no instance shall the auditor issue any warrant or make any electronic funds transfer payable to an officer or agency in payment of several claims where the officer is to distribute or pay to the several claimants the amount due, except in the case of special disbursement officers as provided for in this chapter. However, the auditor of state shall not be required to audit claims for any refunds made pursuant to IC 6-6-1.1 and IC 6-6-2.5.

(3) Examine each and every payroll or salary voucher submitted for payment by each state officer or state agency and shall issue the auditor's warrant in payment, payable to the officer or employee or claimant, except as provided in subdivision (5). In no instance shall the auditor issue the auditor's warrant payable to any officer or agency in payment of a payroll or schedule to be distributed or paid to employees by the officer or agency.

(4) Keep an earnings record for each employee that shows gross compensation, net compensation, items withheld for federal tax, public employees' retirement, teachers' retirement, or other retirement, and any other deductions authorized to be deducted from earnings, and shall, as required by law, make settlement with the proper officers, agents, or agencies for the deductions.

(5) Authorize the electronic transfer of funds from the state treasury to a designated deposit account in payment of a payroll or salary voucher on behalf of a state employee who has given the auditor written authorization to make the transfer under IC 4-15-5.9-2.

(6) Accept all documents and reports showing evidences of the collection of state revenues by state agencies, evidences of the deposit of the revenues, and evidences of the receipt thereof by the treasurer of state and designate the fund or account to be credited.

(7) Have all other powers and duties respecting all agencies of the state as may be imposed upon the auditor by law or transferred to the auditor by this chapter.

(b) The auditor of state may issue a warrant or make an electronic funds transfer in conformity with IC 4-8.1-2-7 to a person who:

(1) has a contract with the state; and

(2) is entitled to payment under that contract;

without the certification required by IC 5-11-10-1.

(c) The auditor may not issue a warrant or make an electronic funds transfer under subsection (b) except in accordance with procedures adopted by the state board of accounts.

(d) The auditor is not personally liable for a warrant issued or an electronic funds transfer made under subsection (b) if:

(1) the auditor complies with the procedures described in subsection (c); and

(2) funds are appropriated and available to pay the warrant or electronic funds transfer.

(e) This subsection applies to a payment of less than five thousand dollars ($5,000). Notwithstanding any other law, the auditor of state may elect to:

(1) not preaudit a payment; and

(2) process the payment with the state agency authorizing the payment.

The state agency is accountable to the state board of accounts under the board's post payment auditing procedures.

(Formerly: Acts 1947, c.279, s.7; Acts 1951, c.2, s.1.) As amended by P.L.5-1984, SEC.50; P.L.23-1985, SEC.2; P.L.25-1988, SEC.1; P.L.277-1993(ss), SEC.39; P.L.32-1995, SEC.5; P.L.6-1996, SEC.3.

IC 4-13-2-8
State board of accounts; powers and duties

Sec. 8. This chapter shall not be construed as divesting the state board of accounts of its powers and duties to prescribe for all state agencies systems of accounts, statements, estimates, and the form receipts, vouchers, bills, purchase orders, encumbrance documents, and demands with suitable instructions governing the installation and use thereof; and to exercise supervision and control over the use of the same by all state officials and agencies of the state, but such power shall remain and be in the state board of accounts. All power, duty, and responsibility of making post-audits of all units of government shall remain and be in and be exercised by the state board of accounts.

(Formerly: Acts 1947, c.279, s.8.) As amended by P.L.5-1984, SEC.51.

IC 4-13-2-9
Adoption of rules

Sec. 9. The commissioner of the department of administration, the director of the state budget agency, and the auditor of state each may adopt rules under IC 4-22-2 to carry out their respective powers and duties under this chapter.

(Formerly: Acts 1947, c.279, s.9.) As amended by P.L.24-1985, SEC.4.

IC 4-13-2-10
Repealed

(Repealed by Acts 1981, P.L.32, SEC.17.)

IC 4-13-2-11
Repealed

(Repealed by P.L.24-1985, SEC.25(b).)

IC 4-13-2-11.1
Department of correction contracts using inmate labor and employee supervision

Sec. 11.1. (a) Notwithstanding the other provisions of this chapter or IC 5-16-1 concerning the awarding of contracts, if a project is for the rehabilitation, extension, maintenance, construction or repair of any structure, improvement or facility under the control of the department of correction, the department may purchase materials for that project in the manner provided by law and use, without awarding a contract, its inmates to perform the labor and use its own employees for supervisory purposes if:

(1) they use equipment owned or leased by that department; and
(2) the cost of the project using employee or inmate labor is estimated by the department of administration to be less than one hundred thousand dollars ($100,000).

(b) All projects covered by this section must comply with the remaining provisions of this chapter, and all plans and specifications must be approved by a licensed architect or engineer as required by law.

As added by Acts 1978, P.L.15, SEC.1. Amended by P.L.25-1985, SEC.1.

IC 4-13-2-12
Repealed

(Repealed by P.L.49-1997, SEC.86.)

IC 4-13-2-12.5
Repealed

(Repealed by P.L.49-1997, SEC.86.)

IC 4-13-2-12.6
Repealed

(Repealed by P.L.7-1998, SEC.12.)

IC 4-13-2-12.7
Repealed

(Repealed by P.L.7-1998, SEC.12.)

IC 4-13-2-13
Repealed

(Repealed by P.L.24-1985, SEC.25(b).)

IC 4-13-2-14
Repealed

(Repealed by P.L.31-1987, SEC.21.)

IC 4-13-2-14.1
Contracts; approval of state officials; rules for electronic approval; file of information

Sec. 14.1. (a) A contract to which a state agency is a party must be approved by the following persons:

(1) The commissioner of the Indiana department of administration.

(2) The director of the budget agency. The director of the budget agency is not required to approve a contract:

(A) for supplies under IC 5-22, unless the budget agency is required to approve the contract under rules or written policies adopted under IC 5-22; or

(B) for public works under IC 4-13.6, if the estimated cost of

the contract is less than one hundred thousand dollars ($100,000).

(3) The attorney general, as required by section 14.3 of this chapter.

(b) Each of the persons listed in subsection (a) may delegate to another person the responsibility to approve contracts under this section. The delegation must be in writing and must be filed with the Indiana department of administration.

(c) The Indiana department of administration may adopt rules under IC 4-22-2 to provide for electronic approval of contracts. Electronic approval may include obtaining the equivalent of a signature from all contracting parties using an electronic method that does not comply with IC 5-24 (the electronic digital signature act), so long as the method allows the party to read the terms of the contract and to manifest the party's agreement to the contract by clicking on an "ok", an "agree", or a similarly labeled button or allows the party to not agree to the contract by clicking on a "cancel", "don't agree", "close window", or similarly labeled button. Rules adopted under this subsection must provide for the following:

(1) Security to prevent unauthorized access to the approval process.

(2) The ability to convert electronic approvals into a medium allowing persons inspecting or copying contract records to know when approval has been given.

The rules adopted under this subsection may include any other provisions the department considers necessary.

(d) The Indiana department of administration shall maintain a file of information concerning contracts and leases to which a state agency is a party.

As added by P.L.31-1987, SEC.1. Amended by P.L.26-1989, SEC.4; P.L.33-1995, SEC.1; P.L.49-1997, SEC.12; P.L.262-2001, SEC.1; P.L.113-2010, SEC.8.

IC 4-13-2-14.2

Contracts of state agencies to be in writing; provisions required by statute

Sec. 14.2. (a) Except as provided in subsection (b), a contract to which a state agency is a party must be in writing.

(b) A contract is not required to be in writing if the contract is created under:

(1) IC 5-22-8;

(2) IC 5-22-10-4; or

(3) IC 4-13.6-5-5.

However, the attorney general, in rules adopted under section 14.3 of this chapter, may require the state agency that is the party to the contract to maintain on file invoices, bills, or other writings that show the contract was performed and the amount of payment that is due.

(c) Subject to subsection (d), if a statute or rule requires a provision to be part of a contract to which a state agency is a party, the provision shall be construed to be part of the contract even though:

(1) the contract is not in writing; or

(2) the contract is in writing but the provision is omitted.

(d) Provisions required by rule under subsection (c) apply only to contracts awarded under IC 5-22-8.

As added by P.L.31-1987, SEC.2. Amended by P.L.33-1995, SEC.2; P.L.49-1997, SEC.13.

IC 4-13-2-14.3

Contracts of state agencies; review by attorney general for form and legality; advice to agency; forms

Sec. 14.3. (a) Except as provided in subsection (e), the attorney general must review for form and legality contracts to which a state agency is a party, unless the contract is not required to be in writing under section 14.2 of this chapter.

(b) If the attorney general finds that a contract does not meet the requirements of law, the attorney general shall:

(1) disapprove the contract;

(2) explain in writing to the contracting agency how the contract is legally defective; and

(3) assist the agency to remedy defects that are found, if possible.

(c) If the attorney general finds that the form of a contract is inappropriate but that the contract is legal, the attorney general may disapprove the contract and shall advise the agency how the form is defective and how the form may be improved.

(d) The attorney general shall advise the contracting agency as to the form and legality of the contract within forty-five (45) days after its submission for review. If the attorney general does not advise the agency within forty-five (45) days after submission, the contract is considered to be approved.

(e) The attorney general may approve contract forms or, by rules adopted under IC 4-22-2, contract types to be used by a state agency and specify the conditions under which the approved forms or types may be used. An agency using a contract form or contract type approved by the attorney general is not required to submit individual contracts using the forms or types for review by the attorney general under this section. Changes in an approved form or type must:

(1) be approved by the attorney general; and

(2) be made in accordance with IC 5-15-5.1-5.

(f) The attorney general may delegate to a deputy a power or responsibility given to the attorney general under this section.

As added by P.L.31-1987, SEC.3.

IC 4-13-2-14.4

Contracts in lieu of appointing employees

Sec. 14.4. Before a state agency may enter into a contract for services to be provided in lieu of appointing employees to available positions, the agency must justify the cost effectiveness of the contract to the commissioner of the department of administration.

As added by P.L.31-1987, SEC.4.

IC 4-13-2-14.5

Revenue department; access to names of bidders, contractors, and subcontractors; persons on tax warrant list

Sec. 14.5. (a) The department of administration may allow the department of state revenue access to the name of each person who is either:

(1) bidding on a contract to be awarded under this chapter; or

(2) a contractor or a subcontractor under this chapter.

(b) If the department of administration is notified by the department of state revenue that a bidder is on the most recent tax warrant list, the department of administration may not award a contract to that bidder until:

(1) the bidder provides to the department of administration a statement from the department of state revenue that the bidder's delinquent tax liability has been satisfied; or

(2) the department of administration receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

(c) The department of state revenue may notify:

(1) the department of administration; and

(2) the auditor of state;

that a contractor or subcontractor under this chapter is on the most recent tax warrant list, including the amount owed in delinquent taxes. The auditor of state shall deduct from the contractor's or subcontractor's payment the amount owed in delinquent taxes. The auditor of state shall remit this amount to the department of state revenue and pay the remaining balance to the contractor or subcontractor.

As added by P.L.26-1985, SEC.1. Amended by P.L.332-1989(ss), SEC.2.

IC 4-13-2-14.6

Salary agreements or adjustments; compensation plans; approval

Sec. 14.6. A salary agreement, salary adjustment, or compensation plan for the personnel of any state agency is not valid unless approved by the state budget agency, except where the amount of compensation or salary is expressly fixed or provided for by law. Schedules of salary ranges showing the current salaries of the employees of all state agencies shall be filed in the office of the director of the state budget agency.

As added by P.L.31-1987, SEC.5.

IC 4-13-2-14.7

State agency employees working with children; sex crime convictions; dismissal

Sec. 14.7. A person employed, appointed, or under contract with a state agency, who works with or around children, shall be dismissed (after the appropriate pre-deprivation procedure has occurred) if that person is, or has ever been, convicted of any of the following:

(1) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal), if the victim is less than eighteen (18) years of age.

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, or Level 4 felony (for a crime committed after June 30, 2014).

(9) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

As added by P.L.11-1994, SEC.1. Amended by P.L.12-1994, SEC.1; P.L.228-2001, SEC.1; P.L.214-2013, SEC.1; P.L.158-2013, SEC.59; P.L.168-2014, SEC.6; P.L.13-2016, SEC.1.

IC 4-13-2-14.8

State contractor or vendor; electronic funds transfer of payments; waiver

Sec. 14.8. (a) Notwithstanding any other law, rule, or custom, but subject to subsections (c) and (d), a person who has a contract with the state or submits invoices to the state for payment shall authorize in writing the direct deposit by electronic funds transfer of all payments by the state to the person. The person's written authorization must designate a financial institution and an account number to which all payments are to be credited.

(b) After obtaining the authorization required by subsection (a), the auditor of state shall deposit a payment to the person in the financial institution and account designated by the person each time a payment is made to the person.

(c) A person who does not wish to have payments to the person deposited by electronic funds transfer may request the auditor of state to grant a waiver of the requirement of subsection (a). The person must:

(1) state the reason for requesting the waiver; and

(2) sign and verify the waiver form.

(d) The auditor of state may grant a person's request for a waiver

for any of the following reasons:

(1) The person does not currently have a savings or checking account and is unable to establish such an account within the geographic area of the person's primary business location without payment of a service fee. The person must submit with the waiver request a written statement by the person's financial institution of the person's inability to establish an account without the payment of a fee.

(2) The person's primary business location is too remote to have access to a financial institution where a direct deposit can be made.

(3) The person's financial institution is unable to accept an electronic deposit or withdrawal. The person must submit with the waiver request a written statement by the person's financial institution that the financial institution is unable to accept an electronic deposit or withdrawal.

(4) The auditor of state determines that the facts of the particular case warrant a waiver of the requirement of subsection (a).

The auditor of state shall establish a waiver form consistent with this subsection.

(e) A contract entered into by the state must contain a provision under which the person contracting with the state specifically authorizes the auditor of state to make all payments to the person by direct deposit by electronic funds transfer, subject to the waiver provisions of subsection (d).

(f) Notwithstanding any other law, rule, or custom, a payment to a person by the state under this section discharges only the state's obligation to that person to the extent of the amount of the payment tendered, and does not constitute a settlement, reduction, release, or compromise of the state's obligation to the person.

As added by P.L.144-2005, SEC.1.

IC 4-13-2-15
Repealed

(Repealed by P.L.31-1987, SEC.21.)

IC 4-13-2-16
State contracts and purchases; adverse or pecuniary interest of officers

Sec. 16. The commissioner of the department of administration, a member of the commissioner's department, or a member of a standardization committee may not be financially interested or have any personal beneficial interest in any contract or purchase order for any supplies, materials, equipment, or services used by or furnished to any agency of the state.

(Formerly: Acts 1947, c.279, s.16.) As amended by Acts 1978, P.L.2, SEC.406; P.L.14-1984, SEC.6; P.L.14-1986, SEC.3; P.L.18-1991,

SEC.6; P.L.215-2016, SEC.80.

IC 4-13-2-17
Repealed

(Repealed by P.L.24-1985, SEC.25(b).)

IC 4-13-2-18
Appropriations; administration of allotment system; unauthorized payment by officers

Sec. 18. (a) For the purpose of the administration of the allotment system provided by this section, each fiscal year shall be divided into four (4) quarterly allotment periods, beginning respectively on the first day of July, October, January, and April. In any case where the quarterly allotment period is impracticable, the budget director may prescribe a different period suited to the circumstances but not extending beyond the end of any fiscal year.

(b) Except as otherwise expressly provided in this section, the provisions of this chapter relating to the allotment system and to the encumbering of funds shall apply to appropriations and funds of all kinds, including standing or annual appropriations and dedicated funds, from which expenditures are to be made from time to time by or under the authority of any state agency. The provisions relating to the allotment system shall not apply to money made available for the purpose of conducting a post-audit of financial transactions of any state agency. Likewise, appropriations for construction or for the acquisition of real estate for public purposes may be exempted from the allotment system by the budget director. The budget director shall prescribe regulations as will ensure the proper application and encumbering of those funds.

(c) No appropriation to any state agency shall become available for expenditure until:

(1) the state agency shall have submitted to the budget agency a request for allotment, the request for allotment to consist of an estimate of the amount required for each activity and each purpose for which money is to be expended during the applicable allotment period; and

(2) the estimate contained in the request for allotment shall have been approved, increased, or decreased by the budget director and funds allotted as provided.

The form of a request for allotment, including a request by hand, mail, facsimile transmission, or other electronic transmission, shall be prescribed by the budget agency with the approval of the auditor of state and shall be submitted to them at least twenty-five (25) days prior to the beginning of the allotment period.

(d) Each request for allotment shall be reviewed by the budget agency and respective amounts shall be allotted for expenditure if:

(1) the estimate is within the terms of the appropriation as to amount and purpose, having due regard for the probable future

needs of the state agency for the remainder of the fiscal year or other term for which the appropriation was made; and

(2) the agency contemplates expenditure of the allotment during the period.

Otherwise the budget agency shall modify the estimate to conform with the terms of the appropriation and the prospective needs of the state agency, and shall reduce the amount to be allotted accordingly. The budget agency shall act promptly upon all requests for allotment and shall notify every state agency of its allotments at least five (5) days before the beginning of each allotment period. The total amount allotted to any agency for the fiscal year or other term for which the appropriation was made shall not exceed the amount appropriated for the year or term.

(e) The budget director shall also have authority at any time to modify or amend any allotment previously made by the budget director.

(f) In case the budget director shall discover at any time that:

(1) the probable receipts from taxes or other sources for any fund will be less than were anticipated; and

(2) as a consequence the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted;

the budget director shall, with the approval of the governor, and after notice to the state agency or agencies concerned, reduce the amount or amounts allotted or to be allotted to prevent a deficit.

(g) The budget agency shall promptly transmit records of all allotments and modifications to the auditor of state.

(h) The auditor of state shall maintain as a part of the central accounting system for the state, as provided, records showing at all times, by funds, accounts, and other pertinent classifications, the amounts appropriated, the estimated revenues, the actual revenues or receipts; the amounts allotted and available for expenditure, the total expenditures, the unliquidated obligations, actual balances on hand, and the unencumbered balances of the allotments for each state agency.

(i) No payment shall be made from any fund, allotment, or appropriation unless the auditor of state shall first certify that there is a sufficient unencumbered balance in the fund, allotment, or appropriation, after taking into consideration all previous expenditures to meet the same. In the case of an obligation to be paid from federal funds, a notice of a federal grant award shall be considered an appropriation against which obligations may be incurred, funds may be allotted, and encumbrances may be made.

(j) Every expenditure or obligation authorized or incurred in violation of the provisions of this chapter shall be void. Every payment made in violation of the provisions of this chapter shall be illegal, and every official authorizing or making a void payment, or taking part in a void payment, and every person receiving a void

payment, or any part of a void payment, shall be jointly and severally liable to the state for the full amount paid or received. If any appointive officer or employee of the state shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this chapter, or take any part, it shall be ground for removal of the appointive officer or employee of the state by the officer appointing the appointive officer or employee of the state. If the appointing officer is a person other than the governor and fails to remove the officer or employee, the governor may exercise the power of removal after giving notice of the charges and opportunity for hearing to the accused officer or employee and to the officer appointing the accused officer or employee.
(Formerly: Acts 1947, c.279, s.20; Acts 1953, c.135, s.1.) As amended by Acts 1981, P.L.32, SEC.13; P.L.28-1983, SEC.10; P.L.6-1996, SEC.4; P.L.215-2016, SEC.81.

IC 4-13-2-19
Appropriations; lapse; exceptions; recognition of encumbered federal funds

Sec. 19. (a) Except as specifically provided for in appropriation acts, every appropriation or part thereof remaining unexpended and unencumbered at the close of any fiscal year shall lapse and be returned to the general revenue fund. However, an appropriation for purchase of real estate or for construction or other permanent improvement shall not lapse until the purposes for which the appropriation was made shall have been accomplished or abandoned, unless such appropriation has remained during an entire fiscal biennium without any expenditure therefrom or encumbrance thereon.

(b) Except as otherwise expressly provided by law, the provisions of this section shall apply to every appropriation of a stated sum for a specified purpose or purposes heretofore or hereafter made from the general revenue fund, but shall not, unless expressly so provided by law, apply to any fund or balance of a fund derived wholly or partly from special taxes, fees, earnings, fines, federal grants, or other sources which are by law appropriated for special purposes by standing, continuing, rotary, or revolving appropriations.

(c) In the case of federal funds encumbered by a state agency that is the recipient of the federal grant, for purposes of meeting reimbursements that are to come due after the expiration of the federal grant, the state agency's encumbrance on its ledgers shall be recognized as valid by the auditor of state for one (1) year or until the money is expended, whichever is sooner.
(Formerly: Acts 1947, c.279, s.21.) As amended by P.L.28-1983, SEC.11.

IC 4-13-2-20
Advance payments; special disbursements

Sec. 20. (a) Except as otherwise provided in this section or IC 12-8-10-7, payment for any services, supplies, materials, or equipment shall not be paid from any fund or state money in advance of receipt of such services, supplies, materials, or equipment by the state.

(b) With the prior approval of the budget agency, payment may be made in advance for any of the following:

(1) War surplus property.

(2) Property purchased or leased from the United States government or its agencies.

(3) Dues and subscriptions.

(4) License fees.

(5) Insurance premiums.

(6) Utility connection charges.

(7) Federal grant programs where advance funding is not prohibited and, except as provided in subsection (i), the contracting party posts sufficient security to cover the amount advanced.

(8) Grants of state funds authorized by statute.

(9) Employee expense vouchers.

(10) Beneficiary payments to the administrator of a program of self-insurance.

(11) Services, supplies, materials, or equipment to be received from an agency or from a body corporate and politic.

(12) Expenses for the operation of offices that represent the state under contracts with the Indiana economic development corporation and that are located outside Indiana.

(13) Services, supplies, materials, or equipment to be used for more than one (1) year under a discounted contractual arrangement funded through a designated leasing entity.

(14) Maintenance of equipment and maintenance of software if there are appropriate contractual safeguards for refunds as determined by the budget agency.

(15) Exhibits, artifacts, specimens, or other unique items of cultural or historical value or interest purchased by the state museum.

(c) Any agency and any state educational institution may make advance payments to its employees for duly accountable expenses exceeding ten dollars ($10) incurred through travel approved by:

(1) the employee's respective agency director, in the case of an agency; and

(2) a duly authorized person, in the case of any state educational institution.

(d) The auditor of state may, with the approval of the budget agency and of the commissioner of the Indiana department of administration:

(1) appoint a special disbursing officer for any agency or group of agencies whenever it is necessary or expedient that a special

record be kept of a particular class of disbursements or when disbursements are made from a special fund; and

(2) approve advances to the special disbursing officer or officers from any available appropriation for the purpose.

(e) The auditor of state shall issue the auditor's warrant to the special disbursing officer to be disbursed by the disbursing officer as provided in this section. Special disbursing officers shall in no event make disbursements or payments for supplies or current operating expenses of any agency or for contractual services or equipment not purchased or contracted for in accordance with this chapter and IC 5-22. No special disbursing officer shall be appointed and no money shall be advanced until procedures covering the operations of special disbursing officers have been adopted by the Indiana department of administration and approved by the budget agency. These procedures must include the following provisions:

(1) Provisions establishing the authorized levels of special disbursing officer accounts and establishing the maximum amount which may be expended on a single purchase from special disbursing officer funds without prior approval.

(2) Provisions requiring that each time a special disbursing officer makes an accounting to the auditor of state of the expenditure of the advanced funds, the auditor of state shall request that the Indiana department of administration review the accounting for compliance with IC 5-22.

(3) A provision that, unless otherwise approved by the commissioner of the Indiana department of administration, the special disbursing officer must be the same individual as the procurements agent under IC 4-13-1.3-5.

(4) A provision that each disbursing officer be trained by the Indiana department of administration in the proper handling of money advanced to the officer under this section.

(f) The commissioner of the Indiana department of administration shall cite in a letter to the special disbursing officer the exact purpose or purposes for which the money advanced may be expended.

(g) A special disbursing officer may issue a check to a person without requiring a certification under IC 5-11-10-1 if the officer:

(1) is authorized to make the disbursement; and

(2) complies with procedures adopted by the state board of accounts to govern the issuance of checks under this subsection.

(h) A special disbursing officer is not personally liable for a check issued under subsection (g) if:

(1) the officer complies with the procedures described in subsection (g); and

(2) funds are appropriated and available to pay the warrant.

(i) For contracts entered into between the department of workforce development or the Indiana commission for career and technical education and:

(1) a school corporation (as defined in IC 20-18-2-16); or

(2) a state educational institution;

the contracting parties are not required to post security to cover the amount advanced.

(Formerly: Acts 1947, c.279, s.22; Acts 1971, P.L.28, SEC.1.) As amended by P.L.28-1983, SEC.12; P.L.14-1984, SEC.7; P.L.24-1985, SEC.5; P.L.5-1988, SEC.23; P.L.25-1988, SEC.2; P.L.18-1991, SEC.7; P.L.17-1991, SEC.8; P.L.2-1992, SEC.31; P.L.20-1992, SEC.1; P.L.21-1992, SEC.1; P.L.19-1992, SEC.1; P.L.1-1993, SEC.17; P.L.13-1994, SEC.1; P.L.34-1995, SEC.1; P.L.21-1995, SEC.4; P.L.6-1996, SEC.5; P.L.49-1997, SEC.14; P.L.155-2002, SEC.1; P.L.4-2005, SEC.16; P.L.1-2005, SEC.62; P.L.160-2006, SEC.1; P.L.2-2007, SEC.36; P.L.234-2007, SEC.72; P.L.210-2015, SEC.1.

IC 4-13-2-21

Repealed

(Formerly: Acts 1947, c.279, s.23. Repealed by P.L.107-2011, SEC.5.)

IC 4-13-2-22

Repealed

(Repealed by Acts 1979, P.L.40, SEC.25.)

IC 4-13-2-23

State board of finance; transfer and reassignment of appropriations; conflict in powers and duties

Sec. 23. (a) The state board of finance may transfer, assign, or reassign any appropriation, appropriations, or part thereof for one (1) specific use or purpose to another use or purpose of any officer or agency so long as the use and purpose to which it is transferred, assigned, or reassigned is a use or purpose which the officer or agency is required or authorized to perform. For the purposes of this section, all appropriations made before or after March 13, 1947, to any officer or agency shall be deemed and taken as appropriations to that officer or agency for the use of such officer or agency for any purpose or duty said officer or agency is required to or may perform by law. No transfer under this subsection shall be made except upon the request of or with the consent of such officer or agency.

(b) All of the rights, powers, and duties by law in effect on March 13, 1947, imposed upon and vested in the state board of finance which are in conflict with the provisions of this chapter or imposed on some other officer or agency are hereby eliminated from the powers and duties of the state board of finance.

(Formerly: Acts 1947, c.279, s.27.) As amended by P.L.5-1984, SEC.52.

IC 4-13-2-24

State auditor; vesting of powers and duties; employment of

professional and clerical assistance

Sec. 24. All rights, powers, and duties of preauditing and accounting for the financial transactions and activities of all state agencies vested in and conferred upon before March 13, 1947, the auditor of state remain vested in and conferred upon the auditor of state. The auditor of state is authorized to employ professional and clerical assistants as may be necessary to perform the duties imposed upon the auditor of state by this chapter.

(Formerly: Acts 1947, c.279, s.28.) As amended by P.L.5-1984, SEC.53; P.L.215-2016, SEC.82.

IC 4-13-2-25

Repealed

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

IC 4-13-2-26

Repealed

(Repealed by Acts 1975, P.L.26, SEC.5.)

IC 4-13-2-27

Repealed

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

IC 4-13-2-28

Central warehouse; establishment; purchasers; notice to institutions and departments of materials and supplies available; procedure for requisitions

Sec. 28. (a) The commissioner of the department of administration shall establish a central warehouse.

(b) Whenever the commissioner determines that it is advantageous to purchase commodities, materials, or supplies, which are used by several state agencies for their industries or for general operating purposes, the commissioner may do so and warehouse same in the state warehouse. The cost of commodities and the expense incident shall be paid for in the first instance from the warehousing and stationary revolving fund.

(c) The commissioner shall keep all institutions and departments informed of the commodities, materials, and supplies which are available in the warehouse.

(d) The same procedure for requisitioning articles from the warehouse shall be followed as in requisitioning for purchases except that the requisition shall be noted to be drawn from public warehouse. The commissioner shall invoice to each institution and file the commissioner's claim for reimbursement for any articles furnished and shall add to the actual cost a sufficient amount to pay for all warehouse and handling charges but shall not charge any amount in excess of the actual cost and expense so as to show a profit in operating this warehouse.

(Formerly: Acts 1947, c.279, s.36.) As amended by P.L.5-1984, SEC.56; P.L.18-1991, SEC.8; P.L.215-2016, SEC.83.

IC 4-13-2-29
Constitutionality of act

Sec. 29. In the event any section, clause, or part of Acts 1947, c.279, shall be held to be unconstitutional, then each section, clause, part, and all of that act shall be and hereby is declared to be null, void, and without effect in and as law.
(Formerly: Acts 1947, c.279, s.38 1/2.) As amended by P.L.5-1984, SEC.57.

IC 4-13-3
Repealed

(Repealed by Acts 1981, P.L.32, SEC.17.)

IC 4-13-4
Repealed

(Repealed by P.L.28-1983, SEC.62.)

IC 4-13-4.1

Chapter 4.1. Printing for State Agencies

IC 4-13-4.1-1

"State agency" defined

Sec. 1. As used in this chapter, "state agency" has the meaning specified in IC 4-13-1-1.

As added by P.L.28-1983, SEC.13.

IC 4-13-4.1-2

Provision of printing and duplicating services by department of administration; procedure

Sec. 2. The department of administration shall provide all printing services for state agencies and may provide duplicating services for state agencies. When the department receives a request from a state agency for printing or duplicating services or equipment, the department shall determine whether the agency's needs can be met through:

(1) central printing and duplicating facilities operated by the department under IC 4-13-1-4(5); or

(2) another state agency that has agreed to provide such services.

If the agency's needs cannot be met under subdivision (1) or (2), the department shall procure the necessary services or equipment.

As added by P.L.28-1983, SEC.13.

IC 4-13-4.1-3

Operation of agency printing and duplicating facilities prohibited

Sec. 3. After July 1, 1984, a state agency may not operate its own printing or duplicating facility without the written consent of the commissioner of the department of administration.

As added by P.L.28-1983, SEC.13.

IC 4-13-4.1-4

Repealed

(As added by P.L.28-1983, SEC.13. Repealed by P.L.126-2012, SEC.10.)

IC 4-13-4.1-5

Exceptions; "state agency" defined; recycling state government waste paper products

Sec. 5. (a) IC 5-22-21 and IC 5-22-22 do not apply to disposition of property by a state agency under this section.

(b) As used in this section, "state agency" also includes the legislative branch of state government and the judicial branch of state government.

(c) The state agency responsible for collecting and disposing of paper products of state government shall, when economically

feasible, make reasonable efforts to collect and recycle those paper products.

(d) Revenue from the sale of recyclable paper products to recycling facilities shall be deposited in a fund in the custody of the department to be used to promote future waste reduction programs.

As added by P.L.30-1989, SEC.1. Amended by P.L.19-1990, SEC.2; P.L.49-1997, SEC.15.

IC 4-13-5
Repealed

(Repealed by Acts 1977, P.L.45, SEC.2.)

IC 4-13-6
Repealed

(Repealed by P.L.2-2007, SEC.390.)

IC 4-13-7
Repealed

(Repealed by P.L.24-1985, SEC.25(b).)

IC 4-13-8
Repealed

(Repealed by P.L.28-1983, SEC.62.)

IC 4-13-9
Repealed

(Repealed by Acts 1975, P.L.26, SEC.5.)

IC 4-13-10
Repealed

(Repealed by P.L.28-1983, SEC.62.)

IC 4-13-11
Repealed

(Repealed by Acts 1977, P.L.31, SEC.7.)

IC 4-13-12

Chapter 12. State Library and Historical Building

IC 4-13-12-1

State library and historical building

Sec. 1. When the state library and historical building shall have been finally completed and when any dedication ceremonies which may be arranged for in connection therewith shall have been concluded, the custody, management and maintenance of such state library and historical building shall be turned over to and shall be vested in the board of public buildings and property, and the board of public buildings and property shall thereafter have the custody, management and maintenance of such state library and historical building in the same manner and subject to the laws of this state governing the custody, management and maintenance of the state-house, and the state library building commission shall be thereupon ipso facto dissolved. If, upon the dissolution of the state library building commission, as hereinbefore provided, there is an unexpended balance in the state library and historical building fund, or if any money shall thereafter accrue to such fund from delinquent taxes or from any other source, any and all money which is in or which may at any time accrue to such fund shall be expended by the state library and historical board for any of the purposes for which the state library building commission might have expended such funds if it had not been dissolved.

(Formerly: Acts 1929, c.66, s.18; Acts 1933, c.108, s.1.)

IC 4-13-12.1

Chapter 12.1. Indiana Historical Society Building

IC 4-13-12.1-1

"Commissioner" defined

Sec. 1. As used in this chapter, "commissioner" refers to the commissioner of the department.

As added by P.L.22-1992, SEC.1.

IC 4-13-12.1-2

"Department" defined

Sec. 2. As used in this chapter, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

As added by P.L.22-1992, SEC.1.

IC 4-13-12.1-3

"Exterior improvements" defined

Sec. 3. As used in this chapter, "exterior improvements" includes access roads, landscaping, lighting, parking facilities, and walkways.

As added by P.L.22-1992, SEC.1.

IC 4-13-12.1-4

"Society" defined

Sec. 4. As used in this chapter, "society" refers to the Indiana historical society established under IC 23-6-3.

As added by P.L.22-1992, SEC.1.

IC 4-13-12.1-5

State land; construction funds

Sec. 5. (a) The society may construct a building to house the society's offices, collections, and library on land owned by the state.

(b) Except as provided in section 11 of this chapter, state funds may not be used for construction of the building.

As added by P.L.22-1992, SEC.1.

IC 4-13-12.1-6

Furnishing acceptable site; exterior improvements; lease term

Sec. 6. (a) The department shall provide, at no cost to the society, a site acceptable to the society for the construction of the building by the society.

(b) The department may, alone, with the Indiana finance authority, the Indiana White River state park development commission, or any other entity do the following in relation to the construction of the building by the society:

(1) Acquire a site by purchase, lease, or other appropriate method.

(2) Provide related exterior improvements for the building.

(c) Notwithstanding the term limitation for a lease under

IC 4-20.5-5-7, the department may enter into a lease under subsection (b) for a term of not more than ninety-nine (99) years.
As added by P.L.22-1992, SEC.1. Amended by P.L.7-1993, SEC.6; P.L.235-2005, SEC.54.

IC 4-13-12.1-7
Conveyance of title to state

Sec. 7. After completion of construction and negotiation of a lease under section 8 of this chapter, the society shall convey title to the building to the state.
As added by P.L.22-1992, SEC.1.

IC 4-13-12.1-8
Lease with society; term; rental; services provided; vacating of building; state activities or functions

Sec. 8. (a) The department may enter into a lease with the society for the society's use of any part of the building, exterior improvements, and surrounding site.

(b) Notwithstanding the term limitation for a lease under IC 4-13-1-4(10), the department may enter into a lease under subsection (a) for a term of not more than ninety-nine (99) years.

(c) Rent under a lease entered into under this section is one dollar ($1) each year, payable in advance.

(d) A lease entered into under this section must require the department to provide, at no cost to the society, the following services in relation to the building, the exterior improvements, and the surrounding site:

(1) Management.
(2) Maintenance.
(3) Operation.
(4) Utilities (other than telephone services).
(5) Other services reasonably necessary to maintain the building, exterior improvements, and the surrounding site.

(e) A lease entered into under this section must provide that the lease terminates if the society or its successor vacates the building.

(f) A lease entered into under this section may permit the building to house state activities or functions.
As added by P.L.22-1992, SEC.1. Amended by P.L.49-1997, SEC.16.

IC 4-13-12.1-9
State facilities; reversion of occupancy

Sec. 9. Upon completion of the construction authorized by this chapter and the society's occupancy of the building, space currently occupied by the society in other state facilities reverts to the state.
As added by P.L.22-1992, SEC.1.

IC 4-13-12.1-10
Lease; approval

Sec. 10. A lease entered into under this chapter is subject to approval under IC 4-13-2-14.1.
As added by P.L.22-1992, SEC.1.

IC 4-13-12.1-11
Gifts and grants

Sec. 11. (a) The department may receive gifts and grants under terms, obligations, and liabilities that the commissioner considers appropriate.

(b) The commissioner shall use a gift or grant received under subsection (a):

(1) to carry out this chapter; and

(2) according to the terms of the gift or grant.

As added by P.L.22-1992, SEC.1.

IC 4-13-12.1-12
Trust fund; creation; administration; investments; reversion to general fund

Sec. 12. (a) At the request of the commissioner, the auditor of state shall establish a trust fund for purposes of holding money received under section 11 of this chapter.

(b) A trust fund created under this section shall be administered by the department.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.
As added by P.L.22-1992, SEC.1.

IC 4-13-12.5
Repealed
(Repealed by P.L.4-1988, SEC.4.)

IC 4-13-13

Chapter 13. Compilation of State Building Historical Data by Department of Administration

IC 4-13-13-1

Historical data on state buildings

Sec. 1. (a) The public works division of the department of administration shall compile and maintain the historical data for each building constructed in the future for the state of Indiana and the historical data available for each building which has been constructed and is now in use by the state of Indiana.

(b) Historical data for each building shall contain the following information:

(1) Amount of funds available for the project and date it became available.

(2) Name of person, agency, or institution originating the request for the construction project and the date of the request.

(3) Name of person or persons responsible for the preparation of the estimate of funds necessary to build the proposed project.

(4) Name of architect or engineer and date of the architect's or engineer's employment.

(5) Name of person, agency, or institution who approved the drawings, plans, and specifications.

(6) Name of contractor or contractors and date the contract or contracts were let.

(7) Contract price as bid.

(8) Copy of drawings, plans, and specifications.

(9) Copy of all change orders.

(10) Construction cost of the building.

(11) Date building was accepted by the state of Indiana.

(12) Dates of completion of any alterations and repairs.

(13) Cost of alterations and repairs.

(14) Name of contractor or contractors who made the alterations and repairs.

(15) Other information or data that may be necessary or of interest.

(Formerly: Acts 1963, c.299, s.1.) As amended by P.L.215-2016, SEC.84.

IC 4-13-13-2

Copies of compilation

Sec. 2. The public works division shall retain a copy of the compilation of the historical data and shall furnish a copy of the same to the agency or institution occupying or in charge of the building to which the data referred.

(Formerly: Acts 1963, c.299, s.2; Acts 1965, c.330, s.1.)

IC 4-13-13.5
Repealed
(Repealed by P.L.49-1997, SEC.86.)

IC 4-13-14
Repealed

(Repealed by Acts 1977, P.L.6, SEC.1.)

IC 4-13-15
Repealed
(Repealed by P.L.7-1993, SEC.15.)

IC 4-13-16
Repealed
(Repealed by P.L.7-1993, SEC.15.)

IC 4-13-16.5

Chapter 16.5. Governor's Commission on Minority and Women's Business Enterprises

IC 4-13-16.5-1

Definitions

Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Commission" refers to the governor's commission on minority and women's business enterprises established under section 2 of this chapter.

(c) "Commissioner" refers to the deputy commissioner for minority and women's business enterprises of the department.

(d) "Contract" means any contract awarded by a state agency or, as set forth in section 2(f)(11) of this chapter, awarded by a recipient of state grant funds, for construction projects or the procurement of goods or services, including professional services. For purposes of this subsection, "goods or services" may not include the following when determining the total value of contracts for state agencies:

(1) Utilities.

(2) Health care services (as defined in IC 27-8-11-1(c)).

(3) Rent paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.

(e) "Contractor" means a person or entity that:

(1) contracts with a state agency; or

(2) as set forth in section 2(f)(11) of this chapter:

(A) is a recipient of state grant funds; and

(B) enters into a contract:

(i) with a person or entity other than a state agency; and

(ii) that is paid for in whole or in part with the state grant funds.

(f) "Department" refers to the Indiana department of administration established by IC 4-13-1-2.

(g) "Minority business enterprise" or "minority business" means an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

(1) United States citizens; and

(2) members of a minority group or a qualified minority nonprofit corporation.

(h) "Qualified minority or women's nonprofit corporation" means a corporation that:

(1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(2) is headquartered in Indiana;

(3) has been in continuous existence for at least five (5) years;

(4) has a board of directors that has been in compliance with all

other requirements of this chapter for at least five (5) years;
(5) is chartered for the benefit of the minority community or women; and
(6) provides a service that will not impede competition among minority business enterprises or women's business enterprises at the time a nonprofit applies for certification as a minority business enterprise or a women's business enterprise.

(i) "Owned and controlled" means:
(1) if the business is a qualified minority nonprofit corporation, a majority of the board of directors are minority;
(2) if the business is a qualified women's nonprofit corporation, a majority of the members of the board of directors are women; or
(3) if the business is a business other than a qualified minority or women's nonprofit corporation, having:
(A) ownership of at least fifty-one percent (51%) of the enterprise, including corporate stock of a corporation;
(B) control over the management and active in the day-to-day operations of the business; and
(C) an interest in the capital, assets, and profits and losses of the business proportionate to the percentage of ownership.

(j) "Minority group" means:
(1) Blacks;
(2) American Indians;
(3) Hispanics; and
(4) Asian Americans.

(k) "Separate body corporate and politic" refers to an entity established by the general assembly as a body corporate and politic.

(l) "State agency" refers to any authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government.

As added by P.L.34-1983, SEC.1. Amended by P.L.18-1991, SEC.12; P.L.8-1993, SEC.21; P.L.195-2001, SEC.1; P.L.84-2004, SEC.1; P.L.2-2007, SEC.37; P.L.228-2007, SEC.1; P.L.3-2008, SEC.5; P.L.87-2008, SEC.1; P.L.1-2009, SEC.9; P.L.114-2010, SEC.2.

IC 4-13-16.5-1.1
References to federal statutes or regulations

Sec. 1.1. A reference to a federal statute or regulation in this chapter is a reference to the statute or regulation as in effect January 1, 2001.

As added by P.L.195-2001, SEC.2.

IC 4-13-16.5-1.3
"Women's business enterprise"

Sec. 1.3. As used in this chapter, "women's business enterprise" means a business that is one (1) of the following:

(1) A sole proprietorship owned and controlled by a woman.
(2) A partnership or joint venture owned and controlled by women in which:
(A) at least fifty-one percent (51%) of the ownership is held by women; and
(B) the management and daily business operations are controlled by at least one (1) of the women who owns the business.
(3) A corporation or other entity:
(A) whose management and daily business operations are controlled by at least one (1) of the women who owns the business; and
(B) that is at least fifty-one percent (51%) owned by women, or if stock is issued, at least fifty-one percent (51%) of the stock is owned by at least one (1) of the women.
(4) A qualified women's nonprofit corporation as defined in section 1(h) of this chapter.

As added by P.L.195-2001, SEC.3. Amended by P.L.228-2007, SEC.2; P.L.114-2010, SEC.3.

IC 4-13-16.5-2
Governor's commission on minority and women's business enterprises

Sec. 2. (a) There is established a governor's commission on minority and women's business enterprises. The commission shall consist of the following members:
(1) A governor's designee, who shall serve as chairman of the commission.
(2) The commissioner of the Indiana department of transportation, or the economic opportunity director of the Indiana department of transportation if the commissioner of the Indiana department of transportation so designates.
(3) The chairperson of the board of the Indiana economic development corporation or the chairperson's designee.
(4) The commissioner of the department.
(5) Nine (9) individuals with demonstrated capabilities in business and industry, especially minority and women's business enterprises, appointed by the governor from the following geographical areas of the state:
(A) Three (3) from the northern one-third (1/3) of the state.
(B) Three (3) from the central one-third (1/3) of the state.
(C) Three (3) from the southern one-third (1/3) of the state.
(6) Two (2) members of the house of representatives, no more than one (1) from the same political party, appointed by the speaker of the house of representatives to serve in a nonvoting advisory capacity.
(7) Two (2) members of the senate, no more than one (1) from the same political party, appointed by the president pro tempore

of the senate to serve in a nonvoting advisory capacity.

Not more than six (6) of the ten (10) members appointed or designated by the governor may be of the same political party. Appointed members of the commission shall serve four (4) year terms. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

(b) Each member of the commission who is not a state employee is entitled to the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided under IC 4-13-1-4 and in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees. The allowances specified in this subsection shall be paid by the legislative services agency from the amounts appropriated for that purpose.

(d) A member of the commission who is a state employee but who is not a member of the general assembly is not entitled to any of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties.

(e) The commission shall meet at least four (4) times each year and at other times as the chairman considers necessary.

(f) The duties of the commission shall include but not be limited to the following:

(1) Identify minority and women's business enterprises in the state.

(2) Assess the needs of minority and women's business enterprises.

(3) Initiate aggressive programs to assist minority and women's business enterprises in obtaining state contracts.

(4) Give special publicity to procurement, bidding, and qualifying procedures.

(5) Include minority and women's business enterprises on solicitation mailing lists.

(6) Evaluate the competitive differences between qualified minority or women's nonprofit corporations and other than

qualified minority or women's nonprofit corporations that offer similar services and make recommendation to the department on policy changes necessary to ensure fair competition among minority and women's business enterprises.

(7) Define the duties, goals, and objectives of the deputy commissioner of the department as created under this chapter to assure compliance by all state agencies, separate bodies corporate and politic, and state educational institutions with state and federal legislation and policy concerning the awarding of contracts (including, notwithstanding section 1(d) of this chapter or any other law, contracts of state educational institutions) to minority and women's business enterprises.

(8) Establish annual goals:

(A) for the use of minority and women's business enterprises; and

(B) derived from a statistical analysis of utilization study of state contracts (including, notwithstanding section 1(d) of this chapter or any other law, contracts of state educational institutions) that are required to be updated every five (5) years.

(9) Prepare a review of the commission and the various affected departments of government to be submitted to the governor and the legislative council on March 1 and October 1 of each year, evaluating progress made in the areas defined in this subsection.

(10) Ensure that the statistical analysis required under this section:

(A) is based on goals for participation of minority business enterprises established in Richmond v. Croson, 488 U.S. 469 (1989);

(B) includes information on both contracts and subcontracts (including, notwithstanding section 1(d) of this chapter or any other law, contracts and subcontracts of state educational institutions); and

(C) uses data on the combined capacity of minority and women's businesses enterprises in Indiana and not just regional data.

(11) Establish annual goals for the use of minority and women's business enterprises for any contract that:

(A) will be paid for in whole or in part with state grant funds; and

(B) involves the use of real property of a unit (as defined in IC 4-4-32.2-9).

(g) The department shall direct contractors to demonstrate a good faith effort to meet the annual participation goals established under subsection (f)(11). The good faith effort shall be demonstrated by contractors using the repository of certified firms created under section 3 of this chapter or a similar repository maintained by a unit (as defined in IC 4-4-32.2-9).

(h) The department shall adopt rules of ethics under IC 4-22-2 for commission members other than commission members appointed under subsection (a)(6) or (a)(7).

(i) The department shall furnish administrative support and staff as is necessary for the effective operation of the commission.

(j) The commission shall advise the department on developing a statement, to be included in all applications for and agreements governing grants made with state funds, stating the importance of the use of minority and women's business enterprises in fulfilling the purposes of the grant.

As added by P.L.34-1983, SEC.1. Amended by P.L.18-1990, SEC.4; P.L.31-1993, SEC.1; P.L.195-2001, SEC.4; P.L.42-2002, SEC.1; P.L.41-2003, SEC.1; P.L.84-2004, SEC.2; P.L.4-2005, SEC.17; P.L.228-2007, SEC.3; P.L.87-2008, SEC.2; P.L.114-2010, SEC.4.

IC 4-13-16.5-3

Deputy commissioner for minority and women's business enterprise development

Sec. 3. (a) There is created in the department a deputy commissioner for minority and women's business enterprise development. Upon consultation with the commission, the commissioner of the department, with the approval of the governor, shall appoint an individual who possesses demonstrated capability in business or industry, especially in minority or women's business enterprises, to serve as deputy commissioner to work with the commission in the implementation of this chapter.

(b) The deputy commissioner shall do the following:

(1) Identify and certify minority and women's business enterprises for state projects.

(2) Establish a central certification file.

(3) Periodically update the certification status of each minority or women's business enterprise.

(4) Monitor the progress in achieving the goals established under section 2(f)(8) and 2(f)(11) of this chapter.

(5) Require all state agencies, separate bodies corporate and politic, and state educational institutions to report on planned and actual participation of minority and women's business enterprises in contracts awarded by state agencies. The commissioner may exclude from the reports uncertified minority and women's business enterprises.

(6) Determine and define opportunities for minority and women's business participation in contracts awarded by all state agencies, separate bodies corporate and politic, and state educational institutions.

(7) Implement programs initiated by the commission under section 2 of this chapter.

(8) Perform other duties as defined by the commission or by the commissioner of the department.

As added by P.L.34-1983, SEC.1. Amended by P.L.31-1993, SEC.2; P.L.195-2001, SEC.5; P.L.84-2004, SEC.3; P.L.228-2007, SEC.4; P.L.114-2010, SEC.5.

IC 4-13-16.5-4
Determinations regarding goals; adoption of rules

Sec. 4. (a) Before January 1 of even-numbered years, the department shall determine whether, during the most recently completed two (2) year period ending the previous July 1, the goals set under section 2(f)(8) of this chapter have been met.

(b) The department shall adopt rules under IC 4-22-2 to ensure that the goals set under section 2(f)(8) of this chapter are met. Expenditures with business enterprises that qualify as both a minority business enterprise and a women's business enterprise may be counted toward the attainment of the goal for either:

(1) minority business enterprises; or
(2) women's business enterprises;

at the election made by the procurer of goods, services, or goods and services, but not both.

As added by P.L.195-2001, SEC.6. Amended by P.L.41-2003, SEC.2; P.L.228-2007, SEC.5; P.L.3-2008, SEC.6.

IC 4-13-16.5-5
Rules

Sec. 5. The Indiana department of administration may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.31-1993, SEC.3.

IC 4-13-16.5-6
Application of standards and certifications

Sec. 6. (a) Notwithstanding any other law, the standards developed under this chapter apply to the determination and certification of a business as a minority business enterprise or a women's business enterprise under any Indiana law.

(b) Notwithstanding any other law, a certification of a business as a minority business enterprise or a women's business enterprise under this chapter satisfies any Indiana law providing for or requiring the certification of a business as a minority business enterprise or a women's business enterprise.

As added by P.L.84-2004, SEC.4.

IC 4-13-16.5-7
Confidentiality of applicant materials

Sec. 7. For purposes of IC 5-14-3, materials containing:

(1) personal financial information; or
(2) confidential business information;

submitted by an applicant for certification as a minority business enterprise or a women's business enterprise are confidential.

As added by P.L.84-2004, SEC.5.

IC 4-13-16.5-8
Contractor notice to minority businesses and women's business enterprises

Sec. 8. (a) This section applies to a contractor whose offer designated minority businesses or women's business enterprises to furnish any supplies or perform any work under the contract awarded to the contractor.

(b) As used in this section, "contract" refers to any of the following:

(1) A contract for the purchase of supplies by a state agency.

(2) A contract for the performance of services for a state agency.

(3) A public works contract (as defined in IC 4-13.6-1-14).

(4) A contract to perform professional services (as defined in IC 4-13.6-1-11) in connection with a public works contract.

(c) As used in this section, "contractor" refers to a person awarded a contract by a state agency.

(d) As used in this section, "offer" means a response to a solicitation. The term includes a bid, proposal, and quote.

(e) As used in this section, "solicitation" means the procedure by which a state agency invites persons to submit an offer to enter into a contract with the state agency. The term includes an invitation for bids, a request for proposals, and a request for quotes.

(f) Before beginning work on a contract, a contractor shall do the following:

(1) Notify in writing each minority business and women's business enterprise designated in the contractor's offer that the contractor has been awarded the contract.

(2) Give copies of each notification to the state agency that awarded the contract.

(g) If a contractor fails to comply with subsection (f), the awarding state agency may consider the failure a breach of contract and do any of the following:

(1) Cancel the contract.

(2) Collect from the contractor all funds paid to the contractor under the contract.

(3) Exercise any of the state's rights set out in the contract.

(4) Use the failure as a basis for finding the contractor not responsible when awarding other contracts.

As added by P.L.228-2007, SEC.6.

IC 4-13-16.5-9
Grievance procedures

Sec. 9. (a) The department shall adopt rules under IC 4-22-2 to establish procedures to resolve grievances arising under this chapter.

(b) The rules may include informal procedures to resolve

grievances.

(c) The procedures established under the rules must provide for final resolution of grievances before either of the following:

(1) A panel of three (3) commission members. A panel formed under this subdivision must consist of at least two (2) commission members described in section 2(a)(5) of this chapter.

(2) The commission. However, if the commission acts to resolve a grievance under this subdivision, members of the commission described in section 2(a)(6) or 2(a)(7) of this chapter may not participate in the proceeding.

(d) Final resolution of grievances arising under this chapter are subject to IC 4-21.5.

As added by P.L.228-2007, SEC.7.

IC 4-13-17

Chapter 17. Internet Purchasing Sites

IC 4-13-17-1

"Department"

Sec. 1. As used in this chapter, "department" refers to the Indiana department of administration established by IC 4-13-1-2.

As added by P.L.93-2004, SEC.1.

IC 4-13-17-2

"Internet purchasing site"

Sec. 2. As used in this chapter, "Internet purchasing site" means an open and interactive electronic environment that is:

(1) designed to facilitate the purchase and sale of supplies conducted under IC 5-22;

(2) approved and managed by the department; and

(3) linked to the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

As added by P.L.93-2004, SEC.1. Amended by P.L.177-2005, SEC.6.

IC 4-13-17-3

"Purchasing agency"

Sec. 3. As used in this chapter, "purchasing agency" has the meaning set forth in IC 5-22-2-25.

As added by P.L.93-2004, SEC.1.

IC 4-13-17-4

Internet purchasing site; rules; procedures for operation

Sec. 4. The department may adopt rules under IC 4-22-2 to establish the following:

(1) Procedures for the use of Internet purchasing sites to facilitate the purchase of supplies or sales conducted under IC 5-22 by a state agency. The rules may permit use of an Internet purchasing site to facilitate purchases of supplies and sales conducted by any of the following if considered beneficial by the department:

(A) A purchasing agency other than a state agency.

(B) A cooperative purchasing organization described in IC 5-22-4-7.

(C) The public.

(2) User fees payable by either of the following:

(A) A bidder using an Internet purchasing site.

(B) Entities other than state agencies that use the Internet purchasing site permitted under subdivision (1).

(3) The technical requirements for operation of an Internet purchasing site.

(4) Procedures requiring the proper officers to maintain adequate documentation of transactions performed through the

Internet purchasing site so that the officers may be audited as provided by law.

(5) Procedures necessary for the operation of Internet purchasing sites.

As added by P.L.93-2004, SEC.1.

IC 4-13-17-5

Internet purchasing site; requirements

Sec. 5. An Internet purchasing site must do all the following:

(1) Provide an authorized user with the ability to issue an invitation for bids for supplies electronically.

(2) Protect the content of an electronic offer to the extent required under IC 5-22.

(3) Provide an authorized user with a secure, accurate report of all information contained in electronic offers made through the site on or before the deadline established by the authorized user.

(4) Comply with IC 5-22.

As added by P.L.93-2004, SEC.1.

IC 4-13-17-6

Equipment and information technology services

Sec. 6. The department shall provide the equipment and information technology services necessary to operate the Internet purchasing sites required under this chapter.

As added by P.L.93-2004, SEC.1.

IC 4-13-17-7

Links to Internet purchasing sites

Sec. 7. The department shall provide authorized users and the public with access to Internet purchasing sites by links to the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

As added by P.L.93-2004, SEC.1. Amended by P.L.177-2005, SEC.7.

IC 4-13-17-8

Agencies to implement

Sec. 8. The following shall cooperate with the department to implement this chapter:

(1) The office of technology established by IC 4-13.1-2-1.

(2) The state board of accounts.

(3) The attorney general.

(4) The auditor of state.

As added by P.L.93-2004, SEC.1. Amended by P.L.177-2005, SEC.8.

IC 4-13-18

Chapter 18. Drug Testing of Employees of Public Works Contractors

IC 4-13-18-1

Applicability

Sec. 1. This chapter applies only to a public works contract awarded after June 30, 2006.

As added by P.L.160-2006, SEC.2.

IC 4-13-18-2

"Bid"

Sec. 2. As used in this chapter, "bid" includes a quotation.

As added by P.L.160-2006, SEC.2.

IC 4-13-18-3

"Contractor"

Sec. 3. (a) As used in this chapter, "contractor" refers to a person who:

(1) submits a bid to do work under a public works contract; or

(2) does any work under a public works contract.

(b) The term includes a subcontractor of a contractor.

As added by P.L.160-2006, SEC.2.

IC 4-13-18-4

"Public works contract"

Sec. 4. As used in this chapter, "public works contract" refers to:

(1) a public works contract covered by IC 4-13.6;

(2) a public works contract covered by IC 5-16 and entered into by a state agency; or

(3) a state highway contract covered by IC 8-23-9;

when the estimated cost of the public works project is one hundred fifty thousand dollars ($150,000) or more.

As added by P.L.160-2006, SEC.2.

IC 4-13-18-5

Employee drug testing plan required in bid; collective bargaining agreements

Sec. 5. (a) A solicitation for a public works contract must require each contractor that submits a bid for the work to submit with the bid a written plan for a program to test the contractor's employees for drugs.

(b) A public works contract may not be awarded to a contractor whose bid does not include a written plan for an employee drug testing program that complies with this chapter.

(c) A contractor that is subject to a collective bargaining agreement shall be treated as having an employee drug testing program that complies with this chapter if the collective bargaining

agreement establishes an employee drug testing program that includes the following:

(1) The program provides for the random testing of the contractor's employees.

(2) The program contains a five (5) drug panel that tests for the substances identified in section 6(a)(3) of this chapter.

(3) The program imposes disciplinary measures on an employee who fails a drug test. The disciplinary measures must include at a minimum, all the following:

(A) The employee is subject to suspension or immediate termination.

(B) The employee is not eligible for reinstatement until the employee tests negative on a five (5) drug panel test certified by a medical review officer.

(C) The employee is subject to unscheduled sporadic testing for at least one (1) year after reinstatement.

(D) The employee successfully completes a rehabilitation program recommended by a substance abuse professional if the employee fails more than one (1) drug test.

A copy of the relevant part of the collective bargaining agreement constitutes a written plan under this section.

As added by P.L.160-2006, SEC.2.

IC 4-13-18-6

Employee drug testing program requirements

Sec. 6. (a) A contractor's employee drug testing program must satisfy all of the following:

(1) Each of the contractor's employees must be subject to a drug test at least one (1) time each year.

(2) Subject to subdivision (1), the contractor's employees must be tested randomly. At least two percent (2%) of the contractor's employees must be randomly selected each month for testing.

(3) The program must contain at least a five (5) drug panel that tests for the following:

(A) Amphetamines.

(B) Cocaine.

(C) Opiates (2000 ng/ml).

(D) PCP.

(E) THC.

(4) The program must impose progressive discipline on an employee who fails a drug test. The discipline must have at least the following progression:

(A) After the first positive test, an employee must be:

(i) suspended from work for thirty (30) days;

(ii) directed to a program of treatment or rehabilitation; and

(iii) subject to unannounced drug testing for one (1) year,

beginning the day the employee returns to work.

(B) After a second positive test, an employee must be:

(i) suspended from work for ninety (90) days;

(ii) directed to a program of treatment or rehabilitation; and

(iii) subject to unannounced drug testing for one (1) year, beginning the day the employee returns to work.

(C) After a third or subsequent positive test, an employee must be:

(i) suspended from work for one (1) year;

(ii) directed to a program of treatment or rehabilitation; and

(iii) subject to unannounced drug testing for one (1) year, beginning the day the employee returns to work.

The program may require dismissal of the employee after any positive drug test or other discipline more severe than is described in this subdivision.

(b) An employer complies with the requirement of subsection (a) to direct an employee to a program of treatment or rehabilitation if the employer does either of the following:

(1) Advises the employee of any program of treatment or rehabilitation covered by insurance provided by the employer.

(2) If the employer does not provide insurance that covers drug treatment or rehabilitation programs, the employer advises the employee of agencies known to the employer that provide drug treatment or rehabilitation programs.

As added by P.L.160-2006, SEC.2.

IC 4-13-18-7

Contract cancellation for noncompliance

Sec. 7. (a) The public works contract must provide for the following:

(1) That the contractor implement the employee drug testing program described in the contractor's plan.

(2) Cancellation of the contract by the agency awarding the contract if the contractor:

(A) fails to implement its employee drug testing program during the term of the contract;

(B) fails to provide information regarding implementation of the contractor's employee drug testing program at the request of the agency; or

(C) provides to the agency false information regarding the contractor's employee drug testing program.

(b) The provisions of the public works contract relating to cancellation of the contract by the agency awarding the contract apply to cancellation of the public works contract under this section.

As added by P.L.160-2006, SEC.2.

IC 4-13-19

Chapter 19. Department of Child Services Ombudsman

IC 4-13-19-1

"Child"

Sec. 1. As used in this chapter, "child" means a person who:

(1) is less than eighteen (18) years of age;

(2) is at least eighteen (18) years of age at the time a complaint is made but was less than eighteen (18) years of age at the time of the alleged act or omission that is the subject of the complaint; or

(3) is at least eighteen (18) years of age but has been under the continuing jurisdiction of a juvenile court based upon an informal adjustment, child in need of services action under IC 31-34, or termination of parental rights action under IC 31-35 since becoming eighteen (18) years of age.

As added by P.L.182-2009(ss), SEC.55.

IC 4-13-19-2

"Ombudsman"

Sec. 2. As used in this chapter, "ombudsman" means:

(1) the person appointed by the governor to serve as ombudsman; or

(2) an employee or other individual approved by the office of the department of child services ombudsman to act in the capacity of ombudsman;

to receive, investigate, and resolve complaints that allege the department of child services, by an action or omission, failed to protect the physical or mental health or safety of any child or failed to follow specific laws, rules, or written policies.

As added by P.L.182-2009(ss), SEC.55.

IC 4-13-19-3

Establishment of office of department of child services ombudsman

Sec. 3. The office of department of child services ombudsman is established as a separate bureau within the department. The ombudsman appointed by the governor shall report directly to the commissioner. The ombudsman appointed by the governor must be an attorney licensed to practice law in Indiana or a social worker with at least a master's degree. The ombudsman appointed by the governor must have significant experience or education in child development and child advocacy, including at least two (2) years experience working with child abuse and neglect.

As added by P.L.182-2009(ss), SEC.55.

IC 4-13-19-4

Appointment of ombudsman; authority to hire employees

Sec. 4. (a) The governor shall appoint the ombudsman. The

ombudsman serves at the pleasure of the governor. An individual may not be appointed as ombudsman if the individual has been employed by the department of child services at any time during the preceding twelve (12) months. The governor shall appoint a successor ombudsman not later than thirty (30) days after a vacancy occurs in the position of the ombudsman.

(b) The office of the department of child services ombudsman:

(1) shall employ at least two (2) full time employees to assist the ombudsman with receiving, investigating, and attempting to resolve complaints described in section 5 of this chapter; and

(2) may employ technical experts and other employees to carry out the purposes of this chapter.

(c) The office of the department of child services ombudsman may not hire an individual to serve as an ombudsman if the individual has been employed by the department of child services during the preceding twelve (12) months.

(d) The ombudsman and any other person employed or authorized by the ombudsman:

(1) are subject to the same criminal history and background checks, to be performed by the department of child services, that are required for department of child services family case managers; and

(2) are subject to the same disqualification for employment criteria as department of child services family case managers.

As added by P.L.182-2009(ss), SEC.55. Amended by P.L.48-2012, SEC.1.

IC 4-13-19-5

Powers of ombudsman

Sec. 5. (a) The office of the department of child services ombudsman may receive, investigate, and attempt to resolve a complaint alleging that the department of child services, by an action or omission occurring on or after January 11, 2005, failed to protect the physical or mental health or safety of any child or failed to follow specific laws, rules, or written policies.

(b) The office of the department of child services ombudsman may also do the following:

(1) Take action, including the establishing of a program of public education, to secure and ensure the legal rights of children.

(2) Periodically review relevant policies and procedures with a view toward the safety and welfare of children.

(3) When appropriate, refer a person making a report of child abuse or neglect to the department of child services and, if appropriate, to an appropriate law enforcement agency.

(4) Recommend changes in procedures for investigating reports of abuse and neglect and overseeing the welfare of children who are under the jurisdiction of a juvenile court.

(5) Make the public aware of the services of the ombudsman, the purpose of the office, and information concerning contacting the office.

(6) Examine policies and procedures and evaluate the effectiveness of the child protection system, specifically the respective roles of the department of child services, the court, the medical community, service providers, guardians ad litem, court appointed special advocates, and law enforcement agencies.

(7) Review and make recommendations concerning investigative procedures and emergency responses contained in the report prepared under section 10 of this chapter.

(c) Upon request of the office of the department of child services ombudsman, the local child protection team shall assist the office of the department of child services ombudsman by investigating and making recommendations on a matter. If a local child protection team was involved in an initial investigation, a different local child protection team may assist in the investigation under this subsection.

(d) At the end of an investigation of a complaint, the office of the department of child services ombudsman shall provide an appropriate report as follows:

(1) If the complainant is a parent, guardian, custodian, court appointed special advocate, guardian ad litem, or court, the ombudsman may provide the same report to the complainant and the department of child services.

(2) If the complainant is not a person described in subdivision (1), the ombudsman shall provide a redacted version of its findings to the complainant stating in general terms that the actions of the department of child services were or were not appropriate.

(e) The department of child services ombudsman shall provide a copy of the report and recommendations to the department of child services. The office of the department of child services ombudsman may not disclose to:

(1) a complainant;

(2) another person who is not a parent, guardian, or custodian of the child who was the subject of the department of child services' action or omission; or

(3) the court, court appointed special advocate, or guardian ad litem of the child in a case that was filed as a child in need of services or a termination of parental rights action;

any information that the department of child services could not, by law, reveal to the complainant, parent, guardian, custodian, person, court, court appointed special advocate, or guardian ad litem.

(f) If, after reviewing a complaint or conducting an investigation and considering the response of an agency, facility, or program and any other pertinent material, the office of the department of child services ombudsman determines that the complaint has merit or the

investigation reveals a problem, the ombudsman may recommend that the agency, facility, or program:

(1) consider the matter further;

(2) modify or cancel its actions;

(3) alter a rule, order, or internal policy; or

(4) explain more fully the action in question.

(g) At the office of the department of child services ombudsman's request, the agency, facility, or program shall, within a reasonable time, inform the office of the department of child services ombudsman about the action taken on the recommendation or the reasons for not complying with it.

(h) The office of the department of child services ombudsman may not investigate the following:

(1) A complaint from an employee of the department of child services that relates to the employee's employment relationship with the department of child services.

(2) A complaint challenging a department of child services substantiation of abuse or neglect that is currently the subject of a pending administrative review procedure before the exhaustion of administrative remedies provided by law, rule, or written policy. Investigation of any such complaint received shall be stayed until the administrative remedy has been exhausted. However, if the administrative process is not completed or terminated within six (6) months after initiation of the administrative process, the office of child services ombudsman may proceed with its investigation.

(i) If the office of the department of child services ombudsman does not investigate a complaint, the office of the department of child services ombudsman shall notify the complainant of the decision not to investigate and the reasons for the decision.

As added by P.L.182-2009(ss), SEC.55. Amended by P.L.128-2012, SEC.2.

IC 4-13-19-6

Access to records

Sec. 6. (a) The office of the department of child services ombudsman shall be given appropriate access to department of child services records of a child who is the subject of a complaint that is filed under this chapter.

(b) A state or local government agency or entity that has records that are relevant to a complaint or an investigation conducted by an ombudsman shall provide the ombudsman with access to the records.

(c) A person is immune from:

(1) civil or criminal liability; and

(2) actions taken under:

(A) a professional disciplinary procedure; or

(B) procedures related to the termination or imposition of penalties under a contract dealing with an employee or

contractor of the department of child services;

for the release or disclosure of records to the ombudsman under this chapter, unless the release or disclosure constitutes gross negligence or willful or wanton misconduct.

(d) Information or records of a state or local government agency provided to the office of the department of child services ombudsman may not be disclosed to the complainant or others if confidential under laws, rules, or regulations governing the state or local government agency that provided the information or records.

As added by P.L.182-2009(ss), SEC.55.

IC 4-13-19-7

Duties and functions

Sec. 7. The office of the department of child services ombudsman shall do the following:

(1) Establish procedures to receive and investigate complaints.

(2) Establish physical, technological, and administrative access controls for all information maintained by the office of the department of child services ombudsman.

(3) Except as necessary to investigate and resolve a complaint, ensure that the identity of a complainant will not be disclosed without:

(A) the complainant's written consent; or

(B) a court order.

As added by P.L.182-2009(ss), SEC.55.

IC 4-13-19-8

Adoption of rules

Sec. 8. The office of the department of child services ombudsman may adopt rules under IC 4-22-2 necessary to carry out this chapter.

As added by P.L.182-2009(ss), SEC.55.

IC 4-13-19-9

Civil immunity

Sec. 9. An ombudsman is not personally liable for the good faith performance of the ombudsman's official duties.

As added by P.L.182-2009(ss), SEC.55.

IC 4-13-19-10

Report

Sec. 10. (a) The office of the department of child services ombudsman shall prepare a report each year on the operations of the office.

(b) The office of the department of child services ombudsman shall include the following information in the annual report required under subsection (a):

(1) The office of the department of child services ombudsman's activities.

(2) The general status of children in Indiana, including:
(A) the health and education of children; and
(B) the administration or implementation of programs for children.
(3) Any other issues, concerns, or information concerning children.
(c) A copy of the report shall be provided to the following:
(1) The governor.
(2) The legislative council.
(3) The Indiana department of administration.
(4) The department of child services.
A report provided under this subsection to the legislative council must be in an electronic format under IC 5-14-6.
(d) A copy of the report shall be posted on the department of child services' Internet web site and on any Internet web site maintained by the office of the department of child services ombudsman.
As added by P.L.182-2009(ss), SEC.55. Amended by P.L.13-2013, SEC.6.

IC 4-13-19-11
Interference or prevention of completion of work
Sec. 11. A person who interferes with the ombudsman is subject to criminal prosecution under IC 35-44.2-1-5.
As added by P.L.182-2009(ss), SEC.55. Amended by P.L.126-2012, SEC.11.

IC 4-13-19-12
Provision of office space
Sec. 12. The Indiana department of administration shall provide and maintain office space for the office of the department of child services ombudsman.
As added by P.L.182-2009(ss), SEC.55.

IC 4-13-20

Chapter 20. Teacher Liability Insurance

IC 4-13-20-1

"Personal liability"

Sec. 1. As used in this chapter, "personal liability" means liability incurred by a teacher in the performance of the teacher's duties.

As added by P.L.223-2013, SEC.2.

IC 4-13-20-2

"Teacher"

Sec. 2. As used in this chapter, "teacher" means a professional person whose:

(1) position in a public or nonpublic school requires certain educational preparation and licensing; and

(2) primary responsibility is the instruction of students who attend kindergarten through grade 12 in a public or nonpublic school.

As added by P.L.223-2013, SEC.2.

IC 4-13-20-3

Authority for department to contract with personal liability insurer

Sec. 3. The Indiana department of administration may contract with at least one (1) personal liability insurer to allow any teacher to purchase coverage under a personal liability insurance policy issued by the insurer.

As added by P.L.223-2013, SEC.2.

IC 4-13-20-4

Purchase of coverage of personal liability insurance

Sec. 4. Any teacher in Indiana may, at any time, purchase coverage under a personal liability insurance policy for which the Indiana department of administration has contracted under section 3 of this chapter.

As added by P.L.223-2013, SEC.2.

IC 4-13-20-5

Premiums

Sec. 5. A teacher purchasing coverage under this chapter shall pay the full premium for the teacher's coverage.

As added by P.L.223-2013, SEC.2.

IC 4-13.1

ARTICLE 13.1. OFFICE OF TECHNOLOGY

IC 4-13.1-1

Chapter 1. Definitions

IC 4-13.1-1-1

Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.177-2005, SEC.9.

IC 4-13.1-1-2

"Information technology"

Sec. 2. "Information technology" includes the resources, technologies, and services associated with the fields of:

(1) information processing;
(2) office automation;
(3) telecommunication facilities and networks;
(4) data input and storage; and
(5) information system applications.

As added by P.L.177-2005, SEC.9.

IC 4-13.1-1-3

"Office"

Sec. 3. "Office" means the office of technology established by IC 4-13.1-2-1.

As added by P.L.177-2005, SEC.9.

IC 4-13.1-1-4

"State agency"

Sec. 4. (a) "State agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of the executive, including the administrative, department of state government.

(b) The term does not include:

(1) the judicial or legislative departments of state government;
(2) a state educational institution; or
(3) the Indiana higher education telecommunications system.

As added by P.L.177-2005, SEC.9. Amended by P.L.2-2007, SEC.38.

IC 4-13.1-1-5

"Telecommunication"

Sec. 5. "Telecommunication" means the transmission of any document, picture, datum, sound, or other symbol by television, radio, microwave, optical, or other electromagnetic signal.

As added by P.L.177-2005, SEC.9.

IC 4-13.1-2

Chapter 2. Office of Technology

IC 4-13.1-2-1

Office; purpose

Sec. 1. The office of technology is established for the following purposes:

(1) Establish the standards for the technology infrastructure of the state.

(2) Focus state information technology services to improve service levels to citizens and lower the costs of providing information technology services.

(3) Bring the best and most appropriate technology solutions to bear on state technology applications.

(4) Improve and expand government services provided electronically.

(5) Provide for the technology and procedures for the state to do business with the greatest security possible.

As added by P.L.177-2005, SEC.9.

IC 4-13.1-2-2

Office; duties

Sec. 2. (a) The office shall do the following:

(1) Develop and maintain overall strategy and architecture for the use of information technology in state government.

(2) Review state agency budget requests and proposed contracts relating to information technology at the request of the budget agency.

(3) Coordinate state information technology master planning.

(4) Maintain an inventory of significant information technology resources and expenditures.

(5) Manage a computer gateway to carry out or facilitate public, educational, and governmental functions.

(6) Provide technical staff support services for state agencies.

(7) Provide services that may be requested by the following:

(A) The judicial department of state government.

(B) The legislative department of state government.

(C) A state educational institution.

(D) A political subdivision (as defined in IC 36-1-2-13).

(E) A body corporate and politic created by statute.

(F) An entity created by the state.

(8) Monitor trends and advances in information technology.

(9) Review projects, architecture, security, staffing, and expenditures.

(10) Develop and maintain policies, procedures, and guidelines for the effective and secure use of information technology in state government.

(11) Advise the state personnel department on guidelines for

information technology staff for state agencies.

(12) Conduct periodic management reviews of information technology activities within state agencies upon request.

(13) Seek funding for technology services from the following:

(A) Grants.

(B) Federal sources.

(C) Gifts, donations, and bequests.

(D) Partnerships with other governmental entities or the private sector.

(E) Appropriations.

(F) Any other source of funds.

(14) Perform other information technology related functions and duties as directed by the governor.

(b) The office may adopt rules under IC 4-22-2 that are necessary or appropriate in carrying out its powers and duties.

As added by P.L.177-2005, SEC.9. Amended by P.L.2-2007, SEC.39.

IC 4-13.1-2-3

Chief information officer

Sec. 3. (a) The governor shall appoint a chief information officer of the office, who serves at the pleasure of the governor.

(b) The chief information officer:

(1) is the executive head of the office;

(2) is responsible for strategic planning and the architecture for information technology functions of state government; and

(3) shall provide leadership for information technology issues facing state agencies.

As added by P.L.177-2005, SEC.9.

IC 4-13.1-2-4

Fees for enhanced access to public records

Sec. 4. The chief information officer, in conjunction with:

(1) the state librarian or the state librarian's designee;

(2) the director of the Indiana archives and records administration or the director's designee; and

(3) a representative from each of the two (2) state agencies that generate the most revenue under this section;

shall establish reasonable fees for enhanced access to public records and other electronic records, so that the revenues generated are sufficient to develop, maintain, operate, and expand services that make public records available electronically. A meeting to establish or revise the fees described in this section is subject to the requirements of IC 5-14-1.5.

As added by P.L.177-2005, SEC.9. Amended by P.L.171-2015, SEC.3.

IC 4-13.1-2-5

State agency use of office services

Sec. 5. State agencies shall use information technology services provided by the office when directed by the governor.
As added by P.L.177-2005, SEC.9.

IC 4-13.1-2-6
Office; state agencies

Sec. 6. (a) The office may request the director of information technology services or another knowledgeable individual employed by a state agency to advise and assist the office in carrying out the functions of the office.

(b) State agencies may consult with the office concerning hiring information technology directors and staff.

(c) At the request of the office, a state agency shall submit an inventory of all significant information technology hardware, software, personnel, and information technology contracts.
As added by P.L.177-2005, SEC.9.

IC 4-13.1-2-7
Rotary fund

Sec. 7. The office may establish a rotary fund necessary to perform the functions of the office.
As added by P.L.177-2005, SEC.9.

IC 4-13.1-2-8
Office; assist political subdivisions

Sec. 8. (a) If requested by a political subdivision, the office may do the following:

(1) Subject to the approval of the budget agency, develop a schedule of fees for agencies using services of the office.

(2) Assist a political subdivision in coordinating information technology systems.

(3) Provide consulting and technical advisory services.

(4) Review information technology project plans and expenditures.

(5) Develop and maintain policies, procedures, and guidelines for the effective use of information technology in interactions between political subdivisions and state agencies.

(b) The office may request a director of information technology services or other knowledgeable individuals employed by a political subdivision to advise and assist the office in exercising the powers granted in this section.

(c) The office may conduct studies and reviews that the office considers necessary to promote the use of high quality, cost effective information technology within local government.
As added by P.L.177-2005, SEC.9.

IC 4-13.1-3

Chapter 3. Accessibility Standards

IC 4-13.1-3-1

Accessibility standards

Sec. 1. (a) The office shall appoint a group to develop standards that are compatible with principles and goals contained in the electronic and information technology accessibility standards adopted by the architectural and transportation barriers compliance board under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended. The office shall adopt rules under IC 4-22-2 concerning the standards developed under this section. Those standards must conform with the requirements of Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended.

(b) The group shall consist of at least the following:

(1) A representative of an organization with experience in and knowledge of assistive technology policy.

(2) An individual with a disability.

(3) Representatives of the judicial and legislative branches of state government.

(4) Representatives of the administrative branch of state government.

(5) At least three (3) representatives of local units of government.

(c) If an entity subject to the requirements of this section cannot readily comply with the information technology accessibility standards without undue burden, the entity shall submit a plan to the office with a proposed time for later compliance with the standards. A plan submitted under this subsection must provide alternative means for accessibility during the period of noncompliance.

(d) Notwithstanding any other law, the standards developed under subsection (a) apply to the executive, legislative, judicial, and administrative branches of state and local government.

As added by P.L.177-2005, SEC.9.

IC 4-13.4

ARTICLE 13.4. REPEALED

(Repealed by P.L.49-1997, SEC.86.)

IC 4-13.5

ARTICLE 13.5. CONSTRUCTION OF STATE OFFICE BUILDINGS AND OTHER FACILITIES

IC 4-13.5-1

Chapter 1. General Provisions

IC 4-13.5-1-1

Definitions

Sec. 1. The following definitions apply throughout this article:

(1) "Commission" means the Indiana finance authority established by IC 4-4-11-4.

(2) "Communications system infrastructure" has the meaning set forth in IC 5-26-5-1.

(3) "Construction" means the erection, renovation, refurbishing, or alteration of all or any part of buildings, improvements, or other structures, including installation of fixtures or equipment, landscaping of grounds, site work, and providing for other ancillary facilities pertinent to the buildings or structures.

(4) "Correctional facility" means a building, a structure, or an improvement for the custody, care, confinement, or treatment of committed persons under IC 11.

(5) "Department" refers to:

(A) the integrated public safety commission, for purposes of a facility consisting of communications system infrastructure; and

(B) the Indiana department of administration, for purposes of all other facilities.

(6) "Mental health facility" means a building, a structure, or an improvement for the care, maintenance, or treatment of persons with mental or addictive disorders.

(7) "Facility" means all or any part of one (1) or more buildings, structures, or improvements (whether new or existing), or parking areas (whether surface or an above or below ground parking garage or garages), owned or leased by the commission under this article or the state for the purpose of:

(A) housing the personnel or activities of state agencies or branches of state government;

(B) providing transportation or parking for state employees or persons having business with state government;

(C) providing a correctional facility;

(D) providing a mental health facility;

(E) providing a regional health facility; or

(F) providing communications system infrastructure.

(8) "Person" means an individual, a partnership, a corporation, a limited liability company, an unincorporated association, or a governmental entity.

(9) "Regional health facility" means a building, a structure, or an improvement for the care, maintenance, or treatment of adults or children with mental illness, developmental disabilities, addictions, or other medical or rehabilitative needs.

(10) "State agency" means an authority, a board, a commission, a committee, a department, a division, or other instrumentality of state government, but does not include a state educational institution.

As added by Acts 1977, P.L.31, SEC.1. Amended by P.L.27-1985, SEC.1; P.L.240-1991(ss2), SEC.37; P.L.8-1993, SEC.23; P.L.273-1999, SEC.191; P.L.291-2001, SEC.76; P.L.123-2002, SEC.2; P.L.235-2005, SEC.55; P.L.2-2007, SEC.40.

IC 4-13.5-1-1.3
"Loan contract"

Sec. 1.3. As used in this article, "loan contract" means a debt instrument other than a revenue bond and includes but is not limited to a note.

As added by P.L.15-1986, SEC.1.

IC 4-13.5-1-1.5
Repealed

(As added by P.L.27-1985, SEC.2. Repealed by P.L.235-2005, SEC.212.)

IC 4-13.5-1-2
Repealed

(As added by Acts 1977, P.L.31, SEC.1. Amended by P.L.27-1985, SEC.3. Repealed by P.L.235-2005, SEC.212.)

IC 4-13.5-1-2.5
Application to the Indiana finance authority

Sec. 2.5. This article:

(1) applies to the Indiana finance authority only when acting as the commission under this article for the purposes set forth in this article; and

(2) does not apply to the Indiana finance authority when acting under any other statute for any other purpose.

As added by P.L.235-2005, SEC.56.

IC 4-13.5-1-3
Powers

Sec. 3. (a) The commission may:

(1) accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with any attached conditions;

(2) acquire real property, or any interest in real property, by

lease, conveyance (including purchase) in lieu of foreclosure, or foreclosure, own, manage, operate, hold, clear, improve, and construct facilities on real property, and sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber real property, or interests in real property or facilities on real property, if the use is necessary or appropriate to the purposes of the commission;

(3) procure insurance against any loss in connection with its operations in amounts, and from insurers, as it considers necessary or desirable;

(4) borrow funds as set forth in IC 4-13.5-4 and issue revenue bonds of the commission, payable solely from revenues, as set forth in IC 4-13.5-4, or from the proceeds of bonds issued under this article and earnings on bonds, or both, for the purpose of carrying out its purposes under this article, including paying all or any part of the cost of acquisition or construction of any one (1) or more facilities, or for the purpose of refunding any other bonds or loan contracts of the commission;

(5) establish reserves or sinking funds from the proceeds of the sale of bonds or from other funds, or both, to secure the payment of the bonds;

(6) invest any funds held in reserve or in sinking fund accounts or any money not required for immediate disbursement, in obligations of the state, the United States, or their agencies or instrumentalities, and other obligors as may be permitted under the terms of any resolution authorizing the issuance of the commission's bonds or other obligations;

(7) include in any borrowing or issue amounts considered necessary by the commission to pay financing charges, interest on the obligations (for a period not exceeding the period of construction and a reasonable time after the period of construction or, if the facility is completed, two (2) years from the date of issue of the obligations), consultant, advisory, and legal fees, and other expenses necessary or incident to the borrowing or issue;

(8) make, execute, and effectuate contracts, agreements, or other documents with any governmental agency or any person, corporation, limited liability company, association, partnership, or other organization or entity necessary or convenient to accomplish the purposes of this article;

(9) acquire in the name of the commission by the exercise of the right of condemnation, in the manner provided in this section, public or private lands, or rights in lands, rights-of-way, property, rights, easements, and interests, as it considers necessary for carrying out this article; and

(10) do any and all acts and things necessary, proper, or convenient to carry out this article.

(b) The commission may provide for facilities for state agencies

or branches of state government if the general assembly, by statute:

(1) finds that the state needs renovation, refurbishing, or alteration of existing facilities or construction of additional facilities; and

(2) authorizes the commission to provide for the facilities.

In providing for the facilities, the commission shall proceed under this article.

(c) If the commission is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, it may proceed to procure the condemnation of the property under IC 32-24-1. The commission may not institute a proceeding until it has adopted a resolution that:

(1) describes the real property sought to be acquired and the purpose for which the real property is to be used;

(2) declares that the public interest and necessity require the acquisition by the commission of the property involved; and

(3) sets out any other facts that the commission considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition and shall be referred to the attorney general for action, in the name of the commission, in the circuit or superior court of the county in which the real property is located.

(d) The title to all property acquired in any manner by the commission shall be held in the name of the commission.

As added by Acts 1977, P.L.31, SEC.1. Amended by Acts 1980, P.L.16, SEC.1; P.L.27-1985, SEC.4; P.L.8-1993, SEC.24; P.L.2-2002, SEC.26; P.L.235-2005, SEC.57.

IC 4-13.5-1-3.1
Repealed

(As added by P.L.5-1996, SEC.3. Repealed by P.L.235-2005, SEC.212.)

IC 4-13.5-1-4
Repealed

(As added by Acts 1977, P.L.31, SEC.1. Amended by P.L.27-1985, SEC.5. Repealed by P.L.235-2005, SEC.212.)

IC 4-13.5-1-5
Attorney general as legal adviser

Sec. 5. The attorney general shall serve as the legal adviser for the commission and represent it in any legal proceeding.

As added by Acts 1977, P.L.31, SEC.1.

IC 4-13.5-1-6
Contracts for performance of work and purchase or sale of materials

Sec. 6. Subject to section 8 of this chapter, the commission may

not enter into:

(1) a contract for the performance of work, other than a contract of employment with a professional person or a commission employee; or

(2) a contract for the purchase or sale of materials or supplies;

without complying with IC 4-13-2 and the rules and procedures of the department.

As added by Acts 1977, P.L.31, SEC.1. Amended by P.L.123-2002, SEC.3.

IC 4-13.5-1-7
Repealed

(Repealed by P.L.11-1993, SEC.8.)

IC 4-13.5-1-8
Employment of professionals; plans and specifications; award of contracts; minority and women's businesses

Sec. 8. (a) The commission may employ architects, engineers, space planners, construction managers, and other professional persons it considers necessary to prepare complete plans and specifications necessary for bidding for construction. The commission shall consider economy of operation to the extent practicable in preparing and approving plans and specifications.

(b) The plans and specifications shall be presented for approval to:

(1) the department;

(2) if the facility is designed to house the supreme court or court of appeals, the administrator of the supreme court for approval by the courts;

(3) if the facility is a correctional facility, the department of correction; and

(4) if the facility consists of communications system infrastructure, the integrated public safety commission.

(c) After the plans and specifications have been approved by the commission under subsection (b), the commission shall advertise for and receive construction bids and award contracts to the best bidders in the same manner as required by law for the department. However, with respect to a facility that consists of communications system infrastructure, if the commission finds that the integrated public safety commission has already advertised for and received construction bids or awarded contracts to the best bidders, or both, substantially in the same manner as required by law for the Indiana department of administration, the commission is not required to repeat the advertisement, receipt of bids, or award of contracts. In making the finding described in this subsection, the commission may rely upon a certificate of the integrated public safety commission. If the commission makes the finding described in this subsection, that is all the authority the commission needs to accept the assignment of

the bids or contracts or both, from the integrated public safety commission, and all the authority the integrated public safety commission needs to assign the bids or contracts, or both, to the commission.

(d) With regard to participation by minority and women's business enterprises (as defined in IC 4-13-16.5-1 and IC 4-13-16.5-1.3), the commission shall act in the same manner as required by law for the department.

As added by Acts 1980, P.L.16, SEC.2. Amended by P.L.27-1985, SEC.6; P.L.240-1991(ss2), SEC.38; P.L.195-2001, SEC.7; P.L.123-2002, SEC.4.

IC 4-13.5-1-9

Conveyance of real property by state to commission

Sec. 9. The governor may convey, transfer, or sell, with or without consideration, real property (including the buildings, structures, and improvements), title to which is held in the name of the state, to the commission, without being required to advertise or solicit bids or proposals, in order to accomplish the governmental purposes of this article.

As added by P.L.27-1985, SEC.7.

IC 4-13.5-1-10

Renovation of state facilities; contracts

Sec. 10. The department may enter into a contract with the commission to renovate, refurbish, or alter a facility owned by the state without advertising or soliciting bids or proposals under IC 4-13.6 or IC 5-22. However, in accomplishing the project to renovate, refurbish, or alter a facility owned by the state, the commission shall comply with IC 4-13.5-1-8.

As added by P.L.27-1985, SEC.8. Amended by P.L.49-1997, SEC.17.

IC 4-13.5-1-11

General assembly finding of need for correctional facilities; general assembly finding of need for state museum; authorization to state office building commission to provide for correctional facilities, state museum; borrowing money, issuance of bonds; codification of noncode statute; effect

Sec. 11. (a) The general assembly finds that the state needs construction, equipping, renovation, refurbishing, or alteration of the following correctional facilities for use by the department of correction:

(1) One (1) additional medium security correctional facility for adult males, also known as phase I of the Miami Correctional Facility.

(2) One (1) additional correctional facility for male juveniles.

(3) One (1) special needs facility that is converted from an existing state institution.

(b) The general assembly finds that the state will have a continuing need for use and occupancy of the correctional facilities described in subsection (a).

(c) The general assembly authorizes the state office building commission to provide under this chapter and IC 4-13.5-4 the correctional facilities described in subsection (a), including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4, subject to the approval of the budget agency after review by the budget committee.

(d) The general assembly finds that the state needs the construction of a state museum facility and authorizes the state office building commission to provide the museum under this chapter and IC 4-13.5-4, including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4, subject to the approval of the budget agency after review by the budget committee.

(e) This section codifies P.L.260-1997, SECTION 36.

(f) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.260-1997, SECTION 36.

As added by P.L.220-2011, SEC.29.

IC 4-13.5-1-12

General assembly finding of need for medium security correctional facilities; general assembly finding of need for mental health facility; authorization to state office building commission to provide for correctional facilities, mental health facility; codification of noncode statute; effect

Sec. 12. (a) The general assembly finds that the state needs the construction, equipping, renovation, refurbishing, or alteration of one (1) additional medium security correctional facility.

(b) The general assembly finds that the state will have a continuing need for use and occupancy of the correctional facility described in subsection (a). The general assembly authorizes the state office building commission to provide the correctional facility described in subsection (a) under this chapter and IC 4-13.5-4.

(c) The general assembly finds that the state needs the construction, equipping, renovation, refurbishing, or alteration of one (1) additional mental health facility.

(d) The general assembly finds that the state will have a continuing need for use and occupancy of the mental health facility described in subsection (c). The general assembly authorizes the state office building commission to provide the mental health facility described in subsection (c) under this chapter and IC 4-13.5-4.

(e) This section codifies P.L.273-1999, SECTION 38.

(f) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.273-1999, SECTION 38.
As added by P.L.220-2011, SEC.30.

IC 4-13.5-1-13
General assembly finding of need for regional health centers; authorization to state office building commission to provide for regional health centers; codification of noncode statute; effect

Sec. 13. (a) The general assembly finds that the state needs the construction, equipping, renovation, refurbishing, or alteration of up to three (3) regional health centers.

(b) The general assembly finds that the state will have a continuing need for use and occupancy of the health centers described in subsection (a). The general assembly authorizes the state office building commission to provide the health centers described in subsection (a) under this chapter and IC 4-13.5-4.

(c) This section codifies P.L.291-2001, SECTION 43.

(d) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.291-2001, SECTION 43.
As added by P.L.220-2011, SEC.31.

IC 4-13.5-1-14
General assembly finding of need for communications system infrastructure; authorization to state office building commission to provide for communications system infrastructure; codification of noncode section; effect

Sec. 14. (a) The general assembly finds that the state needs the construction, equipping, purchasing, leasing, renovation, refurbishing, or alteration of communications system infrastructure (as defined in IC 5-26-5-1).

(b) The general assembly finds that the state will have a continuing need for use and occupancy of the communications system infrastructure described in subsection (a). The general assembly authorizes the state office building commission to provide under this chapter and IC 4-13.5-4 the communications system infrastructure described in subsection (a), including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4.

(c) This section codifies P.L.123-2002, SECTION 61.

(d) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.123-2002, SECTION 61.
As added by P.L.220-2011, SEC.32.

IC 4-13.5-1-15
General assembly finding of need for regional health center; authorization to state office building commission to provide for

regional health center; codification of noncode statute; effect

Sec. 15. (a) The general assembly finds that the state needs the construction, equipping, renovation, refurbishing, or alteration of not more than one (1) regional health center.

(b) The general assembly finds that the state will have a continuing need for use and occupancy of the health center described in subsection (a). The general assembly authorizes the state office building commission to provide under this chapter and IC 4-13.5-4 the health center described in subsection (a).

(c) This section codifies P.L.224-2003, SECTION 111.

(d) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.224-2003, SECTION 111.

As added by P.L.220-2011, SEC.33.

IC 4-13.5-1-16

General assembly finding of need for laboratory facilities for state agencies and department of toxicology; authorization to state office building commission to provide for laboratory facilities; codification of noncode statute; effect

Sec. 16. (a) As used in this section, "laboratory facilities" means land, buildings, structures, improvements and equipment, and related facilities for the use and occupancy of state agencies and the state department of toxicology.

(b) The general assembly finds that the state needs the construction, equipping, purchasing, leasing, renovation, refurbishing, or alteration of laboratory facilities for the use of agencies of the state, including the state police department created by IC 10-11-2-4, the state department of health established by IC 16-19-1-1, and, notwithstanding section 1 of this chapter, the state department of toxicology of the Indiana University School of Medicine established under IC 21-45-3-1.

(c) The general assembly finds that the state will have a continuing need for use and occupancy of the laboratory facilities.

(d) The general assembly authorizes the state office building commission to provide under this chapter and IC 4-13.5-4 the laboratory facilities, including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4.

(e) This section codifies P.L.224-2003, SECTION 112.

(f) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.224-2003, SECTION 112.

As added by P.L.220-2011, SEC.34.

IC 4-13.5-1-17

General assembly finding of need for parking facilities;

authorization to state office building commission to provide for parking facilities; codification of noncode statute; effect

Sec. 17. (a) The general assembly finds that the state of Indiana needs additional parking facilities in the area of the state capitol complex and the White River State Park for:

(1) employees of the state and the facilities located in the area of the state capitol complex and White River State Park; and

(2) visitors to or persons having business at facilities located in the area of the state capitol complex and White River State Park.

(b) The general assembly finds that the state of Indiana will have a continuing need for use and occupancy of the parking facilities described in subsection (a).

(c) The general assembly authorizes the Indiana finance authority to proceed with the projects described in subsection (a) under this chapter and IC 4-13.5-4.

(d) The Indiana finance authority shall present a feasibility plan and cost estimate to the budget committee when the feasibility plan and cost estimate become available.

(e) This section codifies P.L.234-2007, SECTION 187.

(f) This section does not authorize any:

(1) construction; or

(2) issuance of bonds or other evidences of indebtedness;

other than authorized by P.L.234-2007, SECTION 187.

As added by P.L.220-2011, SEC.35.

IC 4-13.5-1-18

Authorization for Larue D. Carter Memorial Hospital project; borrowing of money and issuance of bonds; presentation of feasibility plan and cost estimate to the budget committee

Sec. 18. (a) The general assembly authorizes the Indiana finance authority to undertake a project for the construction, equipping, purchasing, leasing, renovation, refurbishing, or alteration for the Larue D. Carter Memorial Hospital under this chapter and IC 4-13.5-4, including the borrowing of money or the issuance and sale of bonds, or both, under IC 4-13.5-4.

(b) The Indiana finance authority shall present a feasibility plan and cost estimate for the project to the budget committee before borrowing money or issuing bonds.

As added by P.L.213-2015, SEC.50.

IC 4-13.5-1.5

Chapter 1.5. Energy Cost Savings Projects

IC 4-13.5-1.5-1

Repealed

(As added by P.L.23-1997, SEC.1. Repealed by P.L.58-1999, SEC.12 and P.L.172-1999, SEC.11.)

IC 4-13.5-1.5-2

Repealed

(As added by P.L.23-1997, SEC.1. Repealed by P.L.58-1999, SEC.12 and P.L.172-1999, SEC.11.)

IC 4-13.5-1.5-3

Repealed

(As added by P.L.23-1997, SEC.1. Repealed by P.L.58-1999, SEC.12 and P.L.172-1999, SEC.11.)

IC 4-13.5-1.5-4

Repealed

(As added by P.L.23-1997, SEC.1. Repealed by P.L.58-1999, SEC.12 and P.L.172-1999, SEC.11.)

IC 4-13.5-1.5-5

Repealed

(As added by P.L.23-1997, SEC.1. Repealed by P.L.58-1999, SEC.12 and P.L.172-1999, SEC.11.)

IC 4-13.5-1.5-6

Repealed

(As added by P.L.23-1997, SEC.1. Repealed by P.L.58-1999, SEC.12 and P.L.172-1999, SEC.11.)

IC 4-13.5-1.5-7

Repealed

(As added by P.L.23-1997, SEC.1. Repealed by P.L.58-1999, SEC.12 and P.L.172-1999, SEC.11.)

IC 4-13.5-1.5-8

Repealed

(As added by P.L.23-1997, SEC.1. Repealed by P.L.58-1999, SEC.12 and P.L.172-1999, SEC.11.)

IC 4-13.5-1.5-9

Repealed

(As added by P.L.23-1997, SEC.1. Repealed by P.L.58-1999, SEC.12 and P.L.172-1999, SEC.11.)

IC 4-13.5-1.5-10
Repealed
(As added by P.L.23-1997, SEC.1. Repealed by P.L.58-1999, SEC.12 and P.L.172-1999, SEC.11.)

IC 4-13.5-1.5-10.5
"Energy cost savings contract" defined
Sec. 10.5. As used in this chapter, "energy cost savings contract" has the meaning set forth in IC 4-13.6-8-2.
As added by P.L.58-1999, SEC.1 and P.L.172-1999, SEC.1.

IC 4-13.5-1.5-10.6
"Governmental body" defined
Sec. 10.6. As used in this chapter, "governmental body" has the meaning set forth in IC 4-13.6-1-9.
As added by P.L.58-1999, SEC.2 and P.L.172-1999, SEC.2.

IC 4-13.5-1.5-10.7
"Qualified energy savings project" defined
Sec. 10.7. As used in this chapter, "qualified energy savings project" has the meaning set forth in IC 4-13.6-8-3.
As added by P.L.58-1999, SEC.3 and P.L.172-1999, SEC.3.

IC 4-13.5-1.5-10.8
"Qualified provider" defined
Sec. 10.8. As used in this chapter, "qualified provider" has the meaning set forth in IC 4-13.6-8-4.
As added by P.L.58-1999, SEC.4 and P.L.172-1999, SEC.4.

IC 4-13.5-1.5-11
Powers of commission
Sec. 11. If the commission approves a project under this chapter, the commission may do the following:

(1) Negotiate the terms of an energy cost savings contract with the qualified provider.

(2) Enter into an energy cost savings contract with the qualified provider.

(3) Finance the contract in the same manner that the commission finances other facilities under this article, including entering into a use and occupancy agreement with the department.

As added by P.L.23-1997, SEC.1.

IC 4-13.5-1.5-12
Advisory recommendation to commission
Sec. 12. Before entering into a contract under this chapter, both of the following must give an advisory recommendation to the commission recommending the contract:

(1) The budget committee.
(2) The department.

As added by P.L.23-1997, SEC.1.

IC 4-13.5-1.5-13
Contractor and subcontractor records

Sec. 13. (a) The contractor and each subcontractor engaged in installing energy conservation measures under a guaranteed energy cost savings contract shall keep full and accurate records indicating the names, classifications, and work performed by each worker employed by the respective contractor and subcontractor in connection with the work together with an accurate record of the number of hours worked by each worker and the actual wages paid.

(b) The payroll records required to be kept under this section must be open to inspection by an authorized representative of the commission and the department of labor.

As added by P.L.23-1997, SEC.1. Amended by P.L.252-2015, SEC.1.

IC 4-13.5-1.5-14
Reduction of state appropriations due to energy cost savings prohibited

Sec. 14. The amount of state appropriations available to a governmental body may not be reduced because of energy cost savings and operational cost savings realized from a qualified energy savings project and an energy cost savings contract.

As added by P.L.23-1997, SEC.1. Amended by P.L.58-1999, SEC.5 and P.L.172-1999, SEC.5.

IC 4-13.5-1.5-15
Bonds not a debt of the state

Sec. 15. The issuance of bonds by the commission payable from revenues from the department under a use and occupancy agreement does not constitute a debt of the state.

As added by P.L.23-1997, SEC.1.

IC 4-13.5-1.5-16
Commission's authority to contract

Sec. 16. The general assembly:

(1) finds that governmental bodies need to save energy and reduce operating costs; and
(2) authorizes the commission to enter into energy cost savings contracts with qualified providers under this article and IC 4-13.6-8.

As added by P.L.23-1997, SEC.1. Amended by P.L.58-1999, SEC.6 and P.L.172-1999, SEC.6.

IC 4-13.5-2
Repealed

(Repealed by P.L.27-1985, SEC.15.)

IC 4-13.5-3
Repealed

(Repealed by P.L.27-1985, SEC.15.)

IC 4-13.5-4

Chapter 4. Use and Management of Office Buildings

IC 4-13.5-4-1

Use and occupancy agreements; negotiation; approval; contents; amount of payment

Sec. 1. (a) Before or after the award of construction contracts, or the arranging of financing, the commission and the department may negotiate a use and occupancy agreement. The state budget agency, after consulting with the state budget committee, must approve any use and occupancy agreement before the department may execute the agreement. The use and occupancy agreement:

(1) must set forth the terms and conditions of the use and occupancy;

(2) must set forth the amounts agreed to be paid at stated intervals for the use and occupancy;

(3) must provide that the department is not obligated to continue to pay for the use and occupancy but is instead required to vacate the facility if it is shown that the terms and conditions of the use and occupancy and the amount to be paid for the use and occupancy are unjust and unreasonable considering the value of the services and facilities thereby afforded;

(4) must provide that the department is required to vacate the facility if funds have not been appropriated or are not available to pay any sum agreed to be paid for use and occupancy when due;

(5) may provide for such costs as maintenance, operations, taxes, and insurance to be paid by the department;

(6) may contain an option to renew the agreement;

(7) may contain an option to purchase the facility for an amount equal to the amount required to pay the principal and interest of indebtedness of the commission incurred on account of the facility and expenses of the commission attributable to the facility;

(8) may not provide for payment of sums for use and occupancy until the construction of the facility has been completed and the facility is available for use and occupancy by the department; and

(9) may contain any other provisions agreeable to the commission and the department.

(b) In determining just and reasonable amounts to be paid for the use and occupancy of the facility under subsection (a)(3), the commission shall impose and collect amounts that in the aggregate will be sufficient to:

(1) pay the expenses of operation, maintenance, and repair of the facility, to the extent that the expenses are not otherwise provided; and

(2) leave a balance of revenues from the facility to pay the principal and interest (including any reserve or sinking funds) on bonds or loans as they become due and retire them at or before maturity.

(c) The department may negotiate and execute a use and occupancy agreement for all or any state agencies or branches of state government.

As added by Acts 1977, P.L.31, SEC.1. Amended by P.L.27-1985, SEC.9; P.L.15-1986, SEC.2.

IC 4-13.5-4-2

Operation, maintenance, and repair of facilities under use and occupancy agreements

Sec. 2. Unless the use and occupancy agreement provides otherwise, the department shall provide for the operation, maintenance, and repair of each facility.

As added by Acts 1977, P.L.31, SEC.1. Amended by P.L.27-1985, SEC.10; P.L.240-1991(ss2), SEC.39.

IC 4-13.5-4-3

Borrowing money; loan contracts

Sec. 3. (a) The commission may borrow money from the public deposits insurance fund, a bank, an insurance company, an investment company, or any other person.

(b) The commission may negotiate the terms of a loan contract. The contract must provide for repayment of the money in not more than forty (40) years.

(c) The loan contract must provide that the loan may be prepaid.

(d) The loan contract must plainly state that it is not an indebtedness of the state but constitutes a corporate obligation solely of the commission and is payable solely from revenues of the commission from the use and occupancy agreement, the proceeds of future loan contracts or bonds, or any appropriations from the state that might be made to the commission for that purpose.

As added by P.L.27-1985, SEC.11. Amended by P.L.15-1986, SEC.3.

IC 4-13.5-4-4

Revenue bonds; issuance; sale; use of proceeds

Sec. 4. (a) For the purpose of providing funds to carry out the provisions of this article with respect to:

(1) the construction and equipment of facilities;

(2) acquiring or providing a site or sites; or

(3) the refunding of any bonds or payment of any loan contract of the commission;

the commission may, by resolution, issue and sell interest-bearing revenue bonds of the commission.

(b) The bonds must indicate, on the face of each bond:

(1) the maturity date or dates, not exceeding forty (40) years

from the date of issue;

(2) the interest rate or rates (whether fixed, variable, or a combination of fixed or variable);

(3) the registration privileges, and where payable at a certain place; and

(4) the conditions and terms under which the bonds may be redeemed before maturity.

(c) The bonds issued under subsection (a):

(1) shall be executed by the manual or facsimile signature of the chairman of the commission;

(2) shall be attested by the manual or facsimile signature of the public finance director;

(3) shall be imprinted or impressed with the seal of the commission;

(4) may be authenticated by a trustee, registrar, or paying agent; and

(5) constitute valid and binding obligations of the commission, even if the chairman or the public finance director, or both, whose manual or facsimile signature appears on the bond, no longer holds those offices.

(d) The bonds, when issued, have all the qualities of negotiable instruments under IC 26 and are incontestable in the hands of a bona fide purchaser or holder of the bonds for value.

(e) The bonds may be sold by the commission at a public or private sale at a time or times determined by the commission. The commission may negotiate the sale, but any discount may not exceed three percent (3%). In determining the amount of bonds to be issued and sold, there may be included the costs of:

(1) construction;

(2) all land and clearing of the site;

(3) improvements to the site, such as walks, drives, and other appurtenances;

(4) material and labor;

(5) equipment;

(6) financing charges, discounts, and interest accruing on the bonds before and during the construction period and for a reasonable period of time after construction;

(7) expenses such as legal fees, engineers' fees, and architects' fees;

(8) all other expenses necessary or incident to the construction and equipment of the facility and the acquisition of a site or sites for the facility; and

(9) reimbursement of the state general fund and the postwar construction fund for payments made from those funds for any of the purposes described in subdivisions (1) through (8).

(f) The proceeds of the bonds are appropriated for the purpose for which the bonds may be issued under this article and the proceeds shall be deposited and disbursed in accordance with any provisions

and restrictions that the commission may provide in the resolution or trust indenture authorizing the issuance of the bonds in the first instance and the issuance of any refunding bonds, or in a trust indenture authorized and approved by resolution of the commission. The maturities of the bonds, the rights of the holders, and the rights, duties, and obligations of the commission are governed in all respects by this article.

(g) The bonds issued under this article constitute the corporate obligations only of the commission and are payable solely from and secured exclusively by pledge of the income and revenues of the facility that remain after payment or provisions for payment of the expenses of operation, maintenance, and repair of the facility, to the extent that expenses of operation, maintenance, and repair are not otherwise provided. The commission shall plainly state on the face of each bond that the bond does not constitute an indebtedness of the state within the meaning or application of any constitutional provision or limitation but that it is payable solely as to both principal and interest from the net revenues of the facility. The provisions of this article and the covenants and undertakings of the commission as expressed in any proceedings preliminary to or in connection with the issuance of the bonds may be enforced by a bond holder by action for injunction or mandamus against the commission or any officer, agent, or employee of the commission, but no action for monetary judgment may be brought against the state for any violations of this article.

As added by P.L.27-1985, SEC.12. Amended by P.L.15-1986, SEC.4; P.L.240-1991(ss2), SEC.40; P.L.162-2007, SEC.14.

IC 4-13.5-4-5

Allocation of space in facilities

Sec. 5. Except with respect to a correctional facility, the department shall allocate space in each facility to state agencies and branches of state government. The department of correction shall allocate space in correctional facilities under IC 11.

As added by P.L.27-1985, SEC.13. Amended by P.L.240-1991(ss2), SEC.41.

IC 4-13.5-4-6

Tax exemptions; property of commission; bonds; loan contracts

Sec. 6. (a) All property of the commission is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or a political subdivision of the state.

(b) All bonds or loan contracts issued under this article are issued by a body corporate and politic of this state, but not a state agency, and for an essential public and governmental purpose, and the bonds and loan contracts, the interest thereon, the proceeds received by a holder from the sale of the bonds or loan contracts to the extent of

the holder's cost of acquisition, proceeds received upon redemption before maturity, proceeds received at maturity, and the receipt of the interest and proceeds are exempt from taxation for all purposes except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

As added by P.L.27-1985, SEC.14. Amended by P.L.21-1990, SEC.1; P.L.254-1997(ss), SEC.3.

IC 4-13.5-5
Repealed
(Repealed by P.L.235-2005, SEC.212.)

IC 4-13.6

ARTICLE 13.6. STATE PUBLIC WORKS

IC 4-13.6-1

Chapter 1. Definitions

IC 4-13.6-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-2

"Board"

Sec. 2. "Board" refers to the certification board established by IC 4-13.6-3-3.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-2.5

"Commissioner"

Sec. 2.5. "Commissioner" refers to the commissioner of the department.

As added by P.L.14-1986, SEC.7.

IC 4-13.6-1-3

"Contractor"

Sec. 3. "Contractor" means any person who has entered into or seeks to enter into a public works contract with the division.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-4

"Department"

Sec. 4. "Department" refers to the Indiana department of administration established by IC 4-13-1-2.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-5

"Director"

Sec. 5. "Director" means the director of the division.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-6

"Division"

Sec. 6. "Division" refers to the public works division of the department established by IC 4-13.6-3-2.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-7

"Escrowed income"

Sec. 7. "Escrowed income" means the value of all property held in an escrow account over the escrowed principal in the account.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-8

"Escrowed principal"

Sec. 8. "Escrowed principal" means the value of all cash, securities, or other property placed in an escrow account by the division or a contractor as a retainage on a public works contract.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-9

"Governmental body"

Sec. 9. "Governmental body" means any agency, board, bureau, commission, committee, council, department, office, or other authority of the executive, including the administrative, department of state government.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-10

"Person"

Sec. 10. "Person" means any association, corporation, limited liability company, fiduciary, individual, joint stock company, joint venture, partnership, sole proprietorship, or other private legal entity.

As added by P.L.24-1985, SEC.7. Amended by P.L.8-1993, SEC.25.

IC 4-13.6-1-11

"Professional services"

Sec. 11. "Professional services" mean the services of:

(1) a person registered or certified under IC 25-4;

(2) a person licensed under IC 25-31; or

(3) a person who performs services or studies that:

(A) relate to the design or the feasibility of a building, structure, or improvement; and

(B) are recognized in the industry as professional in nature.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-12

"Public funds"

Sec. 12. "Public funds" means any funds for which a state officer is accountable by virtue of the state officer's public office, whether or not impressed with a public interest.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-13

"Public works"

Sec. 13. (a) "Public works" means either of the following:

(1) The process of altering, building, constructing, demolishing, improving, or repairing a public building or structure.
(2) A public improvement to real property owned by, or leased in the name of, the state.
(b) The term includes the following:
(1) The preparation of drawings, plans, and specifications for a process or improvement described in subsection (a).
(2) The routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.
As added by P.L.24-1985, SEC.7. Amended by P.L.49-1997, SEC.18.

IC 4-13.6-1-14
"Public works contract" or "contract"
Sec. 14. "Public works contract" or "contract" means a contract between the division and a person for the performance of some work or service related to the completion of a public works project for a governmental body. However, the terms "public works contract" or "contract" do not include contracts for professional services, unless specifically provided to the contrary.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-15
"Responsible contractor"
Sec. 15. "Responsible contractor" means a contractor that:
(1) is capable of performing a public works contract fully;
(2) has the integrity and reliability that will insure good faith performance; and
(3) is qualified under IC 4-13.6-4, if applicable.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-16
"Responsive contractor"
Sec. 16. "Responsive contractor" means a contractor that has submitted a bid or a quotation in conformity with instructions, contract documents, terms, and other conditions for a contract.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-17
"Retainage"
Sec. 17. "Retainage" means any amount to be withheld from a payment to a contractor or subcontractor under the terms of a contract until the occurrence of a specified event.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-18
"Subcontractor"
Sec. 18. "Subcontractor" means any person entering into a contract with a contractor to furnish labor or labor and materials used

in the actual construction of a public works project. For purposes of this section, labor used in delivery and unloading of materials at a project site is not considered to be labor used in the actual construction of a public works project.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-19
"Substantial completion"

Sec. 19. "Substantial completion" means the condition of a public work when it is sufficiently completed, in accordance with the contract documents as modified by any completed change orders agreed to by the parties, so that the governmental body for which the public work is intended can occupy or take possession of the public work and use it as it is intended to be used.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-1-20
"Supplier"

Sec. 20. "Supplier" means any person supplying materials, but no onsite labor, to a contractor or to a subcontractor.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-2

Chapter 2. General Provisions

IC 4-13.6-2-1

Purposes and policies of article

Sec. 1. This article shall be construed and applied to promote its underlying purposes and policies, which are to:

(1) simplify, clarify, and modernize the law governing public works and professional service contracts;

(2) maintain public confidence in the procedures surrounding the awarding and administration of public works and professional service contracts;

(3) ensure fair and equitable treatment of all persons who deal with the public works system covered by this article;

(4) provide increased economy in public works activities covered by this article and maximize the purchasing value of the public funds of this state;

(5) foster effective broad based competition within the free enterprise system; and

(6) provide safeguards for the maintenance of a public works system of quality and integrity.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-2-2

Application of article

Sec. 2. (a) This article applies only to public works contracts solicited after June 30, 1985.

(b) This article applies to work or improvements to be performed on real property that is being or that will be leased by the state from another person if the lease gives the state an option to buy the real property.

(c) This article does not apply to work or improvements made to real property that is being or will be leased by the state from another person where the state has no interest in the real property after expiration of the lease. However, a lease between the lessor and the state may provide that any of the provisions of this article will apply to any work or improvements to be made in the leased real property.

(d) This article applies to any public works project performed on real property that is not owned by the state if:

(1) federal or state law or court order requires that a governmental body perform the work on that real property; and

(2) the commissioner requires compliance with this article.

As added by P.L.24-1985, SEC.7. Amended by P.L.33-1995, SEC.8; P.L.49-1997, SEC.19.

IC 4-13.6-2-3

Application of article to public works projects; exceptions

Sec. 3. (a) This article applies to every expenditure of public

funds, regardless of their source, including federal assistance money, by any governmental body for any public works project.

(b) This article does not apply to the following:

(1) The Indiana commission for higher education.

(2) State educational institutions.

(3) Military officers and military and armory boards of the state.

(4) The state fair commission.

(5) Any entity established by the general assembly as a body corporate and politic having authority and power to issue bonds to be secured and repaid solely by revenues pledged for that purpose. However, such an entity shall comply with this article if the law creating the entity requires it to do so.

(6) The Indiana department of transportation, except to the extent that the Indiana department of transportation uses the services provided by the department under this article.

(7) The Indiana state museum and historic sites corporation.

As added by P.L.24-1985, SEC.7. Amended by P.L.18-1990, SEC.6; P.L.20-1990, SEC.4; P.L.2-2007, SEC.41; P.L.166-2013, SEC.1.

IC 4-13.6-2-4

Compliance by division with certain statutes

Sec. 4. The division shall comply with this article and the following statutes in the administration of public works contracts:

(1) IC 5-16-3.

(2) IC 5-16-6.

(3) IC 5-16-8.

(4) IC 5-16-9.

(5) IC 5-16-13.

(6) IC 5-16-14.

As added by P.L.24-1985, SEC.7. Amended by P.L.26-1989, SEC.9; P.L.252-2015, SEC.2.

IC 4-13.6-2-5

Certain statutes not applicable

Sec. 5. The following statutes do not apply to public works, public works contracts, or professional service contracts covered under this article:

(1) IC 5-16-1.

(2) IC 5-16-2.

(3) IC 5-16-5.

(4) IC 5-16-5.5.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-2-6

Good faith

Sec. 6. All parties involved in the negotiation, performance, or administration of contracts covered by this article shall act in good faith.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-2-7
Grants, gifts, bequests, or cooperative agreements

Sec. 7. Notwithstanding this article, the department shall comply with the terms and conditions of any grant, gift, bequest, or cooperative agreement involving a governmental body if noncompliance with those terms and conditions would invalidate the grant, gift, bequest, or cooperative agreement.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-2-8
Retention of written determinations

Sec. 8. The division shall retain written determinations required by this article in the appropriate official contract file of the division.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-2-9
Public records; inspection

Sec. 9. (a) As used in this section, "contract" includes a contract for professional services.

(b) Except as provided in subsection (c) or by another law, records of the division are public records subject to public inspection under IC 5-14-3.

(c) An officer or employee of the state may not:

(1) convey or permit public access to any information concerning a bid, a quotation, or other response received to a solicitation for the award of a contract other than the information made available at a public opening of bids, quotations, or other responses; or

(2) permit inspection or copying under IC 5-14-3 of bid documents, quotation documents, or documents relating to other responses received to a solicitation for the award of a contract;

until a contract has been awarded or the solicitation has been canceled. However, after a public opening of bids, quotations, or other responses received to a solicitation for the award of a contract, an officer or employee may provide information that a person could have learned by attending the opening.
As added by P.L.24-1985, SEC.7. Amended by P.L.18-1991, SEC.14.

IC 4-13.6-2-10
Electronic bids or offers

Sec. 10. The department may receive electronic bids or offers if both of the following apply:

(1) The solicitation indicates the procedure for transmitting the electronic bid or offer to the department.

(2) The department receives the bid or offer on a facsimile (fax) machine or system with a security feature that protects the

content of an electronic bid or offer with the same degree of protection as the content of a bid or an offer that is not transmitted by a fax machine.

As added by P.L.33-1995, SEC.7.

IC 4-13.6-2-11

Designation of public works project as small business set-aside; rules

Sec. 11. (a) The division may designate a public works project as a small business set-aside under rules adopted by the department under IC 4-22-2.

(b) The following apply to rules adopted by the department governing small business set-asides for public works projects:

(1) The rules are subject to the criteria for determining whether a business is a small business under IC 5-22-14-3.

(2) The rules must establish procedures for administering a small business set-aside program for public works projects that are substantially the same as the procedures described in IC 5-22-14.

As added by P.L.49-1997, SEC.20.

IC 4-13.6-2-12

Instruction to small businesses, minority business enterprises, and women's business enterprises

Sec. 12. The department shall offer instruction at least annually to:

(1) small businesses (as defined in IC 5-22-14-1);

(2) minority business enterprises (as defined in IC 4-13-16.5-1); and

(3) women's business enterprises (as defined in IC 4-13-16.5-1.3);

with regard to bonding requirements and working with the surety industry to secure bonding for public works projects.

As added by P.L.133-2007, SEC.1.

IC 4-13.6-3

Chapter 3. Public Works Division

IC 4-13.6-3-1

Duties of department; assignment of public works project

Sec. 1. (a) Except as provided in IC 4-13.6-4, the department shall:

(1) adopt rules under IC 4-22-2 necessary to carry out this article;

(2) consider and decide matters of policy under this article; and

(3) enforce this article and the rules adopted under it.

However, the department may not impair rights or obligations of the state or of a contractor under a contract in existence on the effective date of a rule.

(b) The commissioner may assign a public works project or a designated part of a public works project normally under the jurisdiction of the division to another division of the department. However, the commissioner may make this assignment only if the commissioner makes a written determination that:

(1) the estimated cost of the entire project is less than one hundred thousand dollars ($100,000);

(2) in the commissioner's judgment, it is in the interest of efficiency and economy to make the assignment; and

(3) in the commissioner's judgment, the other division of the department to which the assignment is made and the laws that govern that division make that division better suited to accomplish the assignment.

When executing the project, the other division of the department to which the project is assigned must follow all laws governing that division in accomplishing the assignment.

(c) Notwithstanding subsection (b), the commissioner may generally assign public works projects, regardless of the cost, when the projects are for the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property to any division of the department that the commissioner determines is appropriate without making a written determination under subsection (b).

As added by P.L.24-1985, SEC.7. Amended by P.L.5-1993, SEC.9.

IC 4-13.6-3-2

Establishment of division; powers and duties; determination of project value

Sec. 2. (a) The public works division is established within the department. Subject to this article, the division shall:

(1) prepare or supervise preparation of contract documents for public works projects;

(2) approve contract documents for public works projects;

(3) advertise for bids for public works contracts;

(4) recommend to the commissioner award of public works contracts;
(5) supervise and inspect all work relating to public works projects;
(6) recommend to the commissioner approval of any necessary lawful changes in contract documents relating to a public works contract that has been awarded;
(7) approve or reject estimates for payment;
(8) accept or reject a public works project; and
(9) administer this article.

(b) Except as provided in IC 4-13.6-5-4(d) and subject to IC 4-13.6-2-6, whenever in this article a duty is specified or authority is granted that relates to the estimated dollar value of a public works project, the director shall make the determination of the value of the project. Such a determination of the director is final and conclusive and is the amount against which the existence of the duty or the authority shall be determined, even if it is later found that the determination of the director was erroneous.

(c) The division may delegate any of its authority to a governmental body.

As added by P.L.24-1985, SEC.7. Amended by P.L.172-2011, SEC.3.

IC 4-13.6-3-3
Certification board

Sec. 3. (a) There is established a certification board. The following persons shall serve on the certification board:
(1) The director of engineering of the department of natural resources.
(2) The director.
(3) The state building commissioner of the department of homeland security.

(b) The board shall administer IC 4-13.6-4.

As added by P.L.24-1985, SEC.7. Amended by P.L.1-2006, SEC.65; P.L.101-2006, SEC.1; P.L.160-2006, SEC.3; P.L.218-2014, SEC.1.

IC 4-13.6-3-4
Increased compensation for early performance of contracts; deductions for late completion of contracts; notice

Sec. 4. (a) The commissioner may specify in a contract that early performance of the contract will result in increased compensation at either:
(1) a percentage of the contract amount; or
(2) a specific dollar amount;
determined by the commissioner.

(b) The commissioner may specify in a contract that completion of the contract after the termination date of the contract will result in a deduction from the compensation in the contract at either:
(1) a percentage of the contract amount; or

(2) a specific dollar amount;

determined by the commissioner.

(c) Notice of inclusion of contract provisions permitted under this section in a contract must be included in the solicitation.

As added by P.L.5-1993, SEC.10.

IC 4-13.6-4

Chapter 4. Qualification for State Public Works Projects

IC 4-13.6-4-1

Application of chapter

Sec. 1. This chapter governs the qualification and classification of contractors and of persons desiring to perform professional services relating to a public works project.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-4-2

Applications for qualification; forms; confidentiality

Sec. 2. (a) All persons desiring to perform professional services relating to a public works project must apply to the board for qualification.

(b) A contractor is not required to apply to the board for qualification before submitting a bid on a public works contract unless the estimated cost of the project is one hundred fifty thousand dollars ($150,000) or more.

(c) An applicant for qualification under this chapter shall use the forms prescribed by the board. The board shall provide separate and specific forms for contractors and for persons desiring to perform professional services.

(d) An applicant must verify the applicant's application.

(e) Notwithstanding IC 5-14-3-4(a)(5), a financial statement submitted to the board under this chapter is considered confidential financial information for purposes of IC 5-14-3.

As added by P.L.24-1985, SEC.7. Amended by P.L.29-1993, SEC.4; P.L.12-2002, SEC.1.

IC 4-13.6-4-2.5

Applicability of qualification requirement under IC 5-16-13; exemption for local unit projects

Sec. 2.5. (a) The definitions in IC 5-16-13 apply to this section.

(b) For purposes of IC 5-16-13-10(c) and this section, the following apply:

(1) A contractor must be qualified under this chapter before doing any work on a public works project that is a public work:

(A) as defined by IC 4-13.6-1-13; or

(B) as defined by IC 36-1-12-2, excluding the construction, alteration, or repair of a highway, street, or alley.

(2) A supplier (as defined by IC 4-13.6-1-20) is not required to be qualified under this chapter before doing any work on a public works project.

(c) Notwithstanding the applicability date specified in IC 5-16-13-10(c) and subject to subsection (d), the requirement that a contractor must be qualified under this chapter before doing any work on a public works project applies to a public works contract

awarded after December 31, 2016.

(d) This subsection applies to a public works project awarded after December 31, 2016, by a local unit. A contractor in any contractor tier is not required to be qualified under this chapter before doing any work on a public works project awarded by a local unit whenever:

(1) the total amount of the contract awarded to the contractor for work on the public works project is less than three hundred thousand dollars ($300,000); and

(2) the local unit complies with IC 36-1-12 in awarding the contract for the public works project.

As added by P.L.144-2016, SEC.1.

IC 4-13.6-4-3
Examination of applications

Sec. 3. The board shall examine an application for qualification within forty-five (45) days after receiving it. In making its examination, the board shall make any necessary investigations and determine whether the applicant is competent and responsible and possesses the financial resources and experience necessary to comply with this chapter and the board's rules.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-4-4
Certificates of qualification

Sec. 4. (a) If, after its examination, the board finds that an applicant possesses the qualifications prescribed by this chapter and by its rules, the board shall issue the applicant a certificate of qualification. A certificate of qualification issued under this chapter is valid for a period of twenty-seven (27) months from the date of its issuance, unless revoked by the board for cause.

(b) Except for restrictions as to the amount or class of work or services that the board may place in the certificate, the certificate of qualification authorizes a contractor to bid on all proposed public works contracts and authorizes a person offering to perform professional services to perform those services.

(c) A person that holds a certificate of qualification shall notify the board of any material changes in information in the application submitted to the board.

(d) The board may revoke a certificate of qualification after it notifies the holder of the certificate and provides the holder with an opportunity to be heard on the proposed revocation. The notice must be in writing and must state the grounds of the proposed revocation.

As added by P.L.24-1985, SEC.7. Amended by P.L.58-1999, SEC.7 and P.L.172-1999, SEC.7.

IC 4-13.6-4-4.5
Public availability of certificates of qualification

Sec. 4.5. The board shall make available for public inspection during regular office hours and on the Internet a list of the contractors holding a valid certificate of qualification issued by the board under this chapter.
As added by P.L.144-2016, SEC.2.

IC 4-13.6-4-5
Applications for qualification; contents

Sec. 5. (a) The board shall require an application for qualification submitted by a person seeking to perform professional services to include the following information:

(1) Name of the firm.
(2) Principal members of the firm.
(3) Registrations of the principal members of the firm.
(4) Experience of the principal members of the firm.
(5) Office or position occupied by each principal member of the firm.
(6) Professional affiliations of each principal member of the firm.
(7) History of the firm.
(8) Statistics on staff of the firm.
(9) Experience of the firm classified as to types of work and providing the names of and status of work, both public and private.
(10) The geographical location of all offices of the firm.
(11) Financial and general references.
(12) If the person is a trust (as defined in IC 30-4-1-1(a)), the name of each:
(A) beneficiary of the trust; and
(B) settlor empowered to revoke or modify the trust.

(b) In addition to the information required by subsection (a), each applicant must supply a list of at least five (5) specific projects that the applicant has completed within the past five (5) years, together with the name and address of the person with whom the applicant contracted for the work.

(c) The board may require an applicant to submit any other information that it requires to make a determination regarding the application.
As added by P.L.24-1985, SEC.7. Amended by P.L.336-1989(ss), SEC.8.

IC 4-13.6-4-6
Certificates of qualification; standards for issuance

Sec. 6. (a) The board may issue an applicant a certificate of qualification as a contractor only if:

(1) the applicant's stated bonding limit, as evidenced by a verified statement from a bonding company licensed to do business in Indiana, is one hundred fifty thousand dollars

($150,000) or more; and

(2) the applicant's experience, past performance, and reputation are such that, in the judgment of the board, the contractor will satisfactorily execute and perform contracts that may be awarded under this article.

(b) An application for qualification as a contractor must expressly authorize the board to obtain all information that it considers pertinent with respect to the reputation for honesty and fair dealing of the applicant and to obtain this information from surety companies, dealers in material, equipment, and supplies, or other persons having business transactions with the applicant. The application must also expressly authorize all financial institutions or other persons to furnish this information, as requested by the board.

(c) The board may require a qualified contractor to provide information relating to its qualifications at the intervals set by the board. However, the board may not require this information more often than quarterly or with the submission of a public works contract bid.

As added by P.L.24-1985, SEC.7. Amended by P.L.22-1997, SEC.2.

IC 4-13.6-4-7

Foreign corporations; applications for qualifications

Sec. 7. If an applicant for qualification is a foreign corporation, the applicant's application must be accompanied by a certificate of the secretary of state that the applicant is authorized to do business in Indiana or a statement from the secretary of state that the applicant is not required to register under relevant Indiana corporation laws.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-4-8

Residency of applicants

Sec. 8. This chapter shall be administered without reference to the residence of an applicant. This chapter and the rules of the board adopted under section 9 of this chapter apply equally to residents and nonresidents of the state of Indiana.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-4-9

Rules

Sec. 9. The board may adopt rules under IC 4-22-2 that the board considers proper for the purpose of carrying out this chapter and insuring to the state of Indiana and to the public the award of all public works and professional service contracts to competent and responsible persons. These rules may cover the requirements of the board with respect to past record, experience, equipment, personnel of the organization, ability to perform, and other matters that the board considers necessary to enable it to pass upon the qualifications of applicants.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-4-10
Subcontracts; breach of contract

Sec. 10. (a) A contractor having a contract with the division for a public works project may enter into a subcontract with a value of one hundred fifty thousand dollars ($150,000) or more, involving the performance of any part of the public work upon which the contractor may be engaged only if the subcontractor has been properly qualified under the terms of this chapter for the work subcontracted.

(b) A contractor that enters into a public works contract with an estimated cost of one hundred fifty thousand dollars ($150,000) or more must complete at least fifteen percent (15%) of the work (measured in dollars of the total contract price) with its own forces. The director may determine whether a contractor has completed at least fifteen percent (15%) of the work with its own forces, and this determination is final and conclusive.

(c) The director may find a contractor violating this section to be in breach of the contract and may employ any legal remedies or administrative remedies that the department may prescribe by rule or in the contract documents. The division may develop contract provisions that assure compliance by contractors with this section and provide for remedies if a contractor breaches these provisions.

As added by P.L.24-1985, SEC.7. Amended by P.L.58-1999, SEC.8; P.L.252-2015, SEC.3.

IC 4-13.6-4-11
Necessity of qualifications

Sec. 11. (a) The director may not recommend to the commissioner the awarding of a contract to perform professional services to any person who is not qualified under this chapter.

(b) The division may not accept a bid on a public works project with an estimated cost of one hundred fifty thousand dollars ($150,000) or more from a contractor who is not qualified under this chapter.

As added by P.L.24-1985, SEC.7. Amended by P.L.12-2002, SEC.2.

IC 4-13.6-4-12
False statements by applicant; institution of proceedings

Sec. 12. If an applicant knowingly makes a false statement in an application for qualification or in any other written instrument filed with the board under this chapter or under rules adopted under this chapter, the division may institute appropriate legal proceedings and administrative action against the applicant.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-4-13

Hearings; judicial review

Sec. 13. (a) Any person whose application is denied or is not acted upon within the time specified under section 3 of this chapter may request a hearing before the board under IC 4-21.5-3.

(b) The board shall conduct proceedings for the revocation of a certificate under IC 4-21.5-3.

(c) Judicial review of an adverse decision in any hearing held under this chapter shall be in accordance with IC 4-21.5-5.

As added by P.L.24-1985, SEC.7. Amended by P.L.7-1987, SEC.4; P.L.1-1999, SEC.3.

IC 4-13.6-4-14

Violations; reports of convictions; disqualification of convicted persons

Sec. 14. (a) A person who knowingly violates section 10 or section 12 of this chapter commits a Class C misdemeanor.

(b) The trial court shall report all convictions under this section to the division, and the board shall disqualify the convicted person from performing any public works contracts under this article for a period of two (2) years from the date of conviction.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-5

Chapter 5. Bidding Requirements

IC 4-13.6-5-0.1

Application of certain amendments to chapter

Sec. 0.1. The addition of section 10.5 of this chapter by P.L.20-1991 applies to public works contracts for which notices calling for sealed proposals for the work are published after June 30, 1991.

As added by P.L.220-2011, SEC.36.

IC 4-13.6-5-1

Method of awarding contracts; approval of contract documents

Sec. 1. (a) Public works contracts must be awarded under section 2 of this chapter unless another method is authorized under this chapter.

(b) A duly licensed architect or engineer must approve the contract documents for a public works project.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-5-2

Dollar thresholds for bidding; bidding procedure; records

Sec. 2. (a) Except as provided by this chapter and IC 16-33-4-10, if the estimated cost of a public works project is at least one hundred fifty thousand dollars ($150,000), the division shall award a contract for the project based on competitive bids.

(b) If the estimated cost of a public works project is at least one hundred fifty thousand dollars ($150,000), the division shall develop contract documents for a public works contract and keep the contract documents on file in its offices so that they may be inspected by contractors and members of the public.

(c) The division shall advertise for bids under section 8 of this chapter. The director shall award a contract under IC 4-13.6-6.

(d) A contractor shall submit under oath a financial statement as a part of the bid. The director may waive filing of the financial statement.

(e) After bids are opened but before a contract is awarded, the director may require a contractor to submit a statement of the contractor's experience, a proposed plan of performing the work, and a listing of the equipment that is available to the contractor for performance of the work.

(f) The statements required by this section shall be submitted on forms approved by the state board of accounts. The forms shall be based, so far as applicable, on standard questionnaires and financial statements for contractors used in investigating the qualifications of contractors on public construction work.

(g) The division shall reject the bid of a contractor if:

(1) the estimated cost of the public works project is one

hundred fifty thousand dollars ($150,000) or more and the contractor is not qualified under chapter 4 of this article;

(2) the estimated cost of the public works project is less than one hundred fifty thousand dollars ($150,000) and the director makes a written determination, based upon information provided under subsections (d) and (e), that the contractor is not qualified to perform the public works contract;

(3) the contractor has failed to perform a previous contract with the state satisfactorily and has submitted the bid during a period of suspension imposed by the director (the failure of the contractor to perform a contract satisfactorily must be based upon a written determination by the director);

(4) the contractor has not complied with a rule adopted under this article and the rule specifies that failure to comply with it is a ground for rejection of a bid; or

(5) the contractor has not complied with any requirement under section 2.5 of this chapter.

(h) The division shall keep a record of all bids. The state board of accounts shall approve the form of this record, and the record must include at least the following information:

(1) The name of each contractor.

(2) The amount bid by each contractor.

(3) The name of the contractor making the lowest bid.

(4) The name of the contractor to whom the contract was awarded.

(5) The reason the contract was awarded to a contractor other than the lowest bidder, if applicable.

(6) Purchase order numbers.

As added by P.L.24-1985, SEC.7. Amended by P.L.14-1986, SEC.8; P.L.26-1989, SEC.10; P.L.336-1989(ss), SEC.9; P.L.2-1992, SEC.34; P.L.2-1993, SEC.35; P.L.12-2002, SEC.3; P.L.172-2011, SEC.4.

IC 4-13.6-5-2.5

Application of section; sealed bid or quotation submitted by trust

Sec. 2.5. (a) This section applies whenever a contract is awarded by competitive sealed bidding or acceptance of quotations.

(b) A bid or quotation submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(1) beneficiary of the trust; and

(2) settlor empowered to revoke or modify the trust.

As added by P.L.336-1989(ss), SEC.10.

IC 4-13.6-5-3

Projects costing less than $150,000; quotations from contractors; awards

Sec. 3. (a) If the estimated cost of a public works project is less than one hundred fifty thousand dollars ($150,000), the division may

award a public works contract either under section 2 of this chapter or under this section, at the discretion of the director.

(b) If the director awards a contract under this section, the division shall invite quotations from at least three (3) contractors known to the division to deal in the work required to be done. However, if fewer than three (3) contractors are known to the division to be qualified to perform the work, the division shall invite quotations from as many contractors as are known to be qualified to perform the work. Failure to receive three (3) quotations shall not prevent an award from being made.

(c) The division may authorize the governmental body for which the public work is to be performed to invite quotations, but award of a contract based upon those quotations is the responsibility of the division.

(d) Quotations given by a contractor under this section must be in writing and sealed in an envelope, shall be considered firm, and may be the basis upon which the division awards a public works contract.

(e) The division shall award a contract to the lowest responsible and responsive contractor and in accordance with any requirement imposed under section 2.5 of this chapter.

As added by P.L.24-1985, SEC.7. Amended by P.L.26-1989, SEC.11; P.L.336-1989(ss), SEC.11; P.L.12-2002, SEC.4; P.L.172-2011, SEC.5.

IC 4-13.6-5-4

Performance of public works by division or certain state departments

Sec. 4. (a) If the estimated cost of a public works project is less than three hundred thousand dollars ($300,000), the division may perform the public work without awarding a public works contract under section 2 of this chapter. In performing the public work, the division may authorize use of equipment owned, rented, or leased by the state, may authorize purchase of materials in the manner provided by law, and may authorize performance of the public work using employees of the state.

(b) The workforce of a state agency may perform a public work described in subsection (a) only if:

(1) the workforce, through demonstrated skills, training, or expertise, is capable of performing the public work; and

(2) for a public works project under subsection (a) whose cost is estimated to be more than one hundred thousand dollars ($100,000), the agency:

(A) publishes a notice under IC 5-3-1 that:

(i) describes the public work that the agency intends to perform with its own workforce; and

(ii) sets forth the projected cost of each component of the public work as described in subsection (a); and

(B) determines at a public meeting that it is in the public

interest to perform the public work with the agency's own workforce.

A public works project performed by an agency's own workforce must be inspected and accepted as complete in the same manner as a public works project performed under a contract awarded after receiving bids.

(c) If a public works project involves a structure, an improvement, or a facility under the control of an agency, the agency may not artificially divide the project to bring any part of the project under this section.

(d) If a public works project involves a structure, improvement, or facility under the control of the department of natural resources, the department of natural resources may purchase materials for the project in the manner provided by law and without a contract being awarded, and may use its employees to perform the labor and supervision, if:

(1) the department of natural resources uses equipment owned or leased by it; and

(2) the division of engineering of the department of natural resources estimates the cost of the public works project will be less than three hundred thousand dollars ($300,000).

(e) If a public works project involves a structure, improvement, or facility under the control of the department of correction, the department of correction may purchase materials for the project in the manner provided by law and use inmates in the custody of the department of correction to perform the labor and use its own employees for supervisory purposes, without awarding a contract, if:

(1) the department of correction uses equipment owned or leased by it; and

(2) the estimated cost of the public works project using employee or inmate labor is less than the greater of:

(A) fifty thousand dollars ($50,000); or

(B) the project cost limitation set by IC 4-13-2-11.1.

All public works projects covered by this subsection must comply with the remaining provisions of this article, and all plans and specifications for the public works project must be approved by a licensed architect or engineer.

As added by P.L.24-1985, SEC.7. Amended by P.L.12-2002, SEC.5; P.L.34-2005, SEC.1; P.L.172-2011, SEC.6; P.L.252-2015, SEC.4.

IC 4-13.6-5-5

Emergency conditions; quotations from contractors; awards

Sec. 5. (a) When the commissioner makes a written determination that an emergency condition exists due to fire, flood, windstorm, casualty, or other condition (including mechanical failure of any part of a building or structure), and the emergency condition endangers the health, safety, or welfare of the public or necessary governmental operations, the division may act to repair any damage caused by the

emergency condition without awarding a public works contract under section 2 of this chapter.

(b) In the case of an emergency described in subsection (a), the division shall invite quotations from at least three (3) contractors known to the division to deal in the work required to be done if the division can do so without jeopardizing successful repair. However, if fewer than three (3) contractors are known to the division to be qualified to perform the work, the division shall invite quotations from as many contractors as are known to be qualified to perform the work. Failure to receive three (3) quotations shall not prevent an award from being made.

(c) The division shall keep a copy of the commissioner's determination and the names of the contractors from whom quotations were invited in the division's files.

(d) The division shall award a contract to the lowest responsible and responsive contractor. However, the division may award a contract to a contractor not qualified under IC 4-13.6-4, if necessary to remedy the emergency condition.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-5-6

Maintenance services contracts

Sec. 6. The division may award a contract for maintenance services for a system that is part of a public building, improvement, or other structure without inviting bids under section 2 of this chapter. The division may award a contract for those services to the manufacturer of the system or to a person recommended by the manufacturer of the system. A contract may be awarded under this section only upon a written determination by the commissioner that:

(1) the manufacturer of the system, or the person recommended by the manufacturer, has knowledge of the system unlikely to be shared by other persons potentially able to bid to provide the maintenance services; and

(2) the savings to the state that might be obtained by inviting bids for the maintenance services do not outweigh the benefits that the state would gain by awarding a contract to the manufacturer of the system or to a person recommended by the manufacturer of the system.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-5-7

Land acquisition; professional services

Sec. 7. (a) Competitive bids are not required for the acquisition of land or for professional services relating to public works projects. In awarding contracts for professional services relating to public works projects, the director shall submit a recommendation to the commissioner, who shall award a contract.

(b) In making a recommendation to the commissioner, the director

shall consider only the competence and the qualifications of the persons offering to perform the professional services in relation to the type of services to be performed. The department shall negotiate compensation for performance of the professional services that the commissioner determines is reasonable.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-5-8
Solicitation of sealed bids; public notice

Sec. 8. (a) This section applies only to public works contracts bid under section 2 of this chapter.

(b) The division shall solicit sealed bids by public notice inserted once each week for two (2) successive weeks before the final date of submitting bids in:

(1) one (1) newspaper of general circulation in Marion County, Indiana; and

(2) if any part of the project is located in an area outside Marion County, Indiana, one (1) newspaper of general circulation in that area.

The commissioner shall designate the newspapers for these publications. The commissioner may designate different newspapers according to the nature of the project and may direct that additional notices be published.

(c) The division shall also solicit sealed bids for public works projects by providing electronic access to notices through the computer gateway administered by the office of technology established by IC 4-13.1-2-1 at least seven (7) days before the final date for submitting bids for the public works project.
As added by P.L.24-1985, SEC.7. Amended by P.L.26-1989, SEC.12; P.L.251-1999, SEC.2; P.L.177-2005, SEC.10; P.L.134-2012, SEC.3.

IC 4-13.6-5-9
Copies of bids or quotations; files; public records

Sec. 9. (a) In order to preserve the integrity of bids or quotations, the division shall make a copy of each bid or quotation as soon as possible after the bids or quotations are opened and before they may be inspected and copied by the public under IC 5-14-3. In making these copies, the division is required to copy only those portions of the bids or quotations which, if altered, would affect the integrity of the bid or quotation. The division may make these copies by means of microfilm or by any other means that the commissioner may specify.

(b) The division shall keep in a file all original bids or quotations and all documents pertaining to the award of a public works contract or a professional services contract.

(c) The copies required by subsection (a) and the files required by subsection (b) are public records under IC 5-14-3. The division shall retain these copies and files according to retention schedules

established for these records under IC 5-15-5.1.

(d) This section is subject to IC 4-13.6-2-9.

As added by P.L.24-1985, SEC.7. Amended by P.L.18-1991, SEC.15.

IC 4-13.6-5-10

Commencement of warranty period

Sec. 10. Each public works contract must require that all warranty periods applying to work performed under the contract commence no later than the date that work under the contract is substantially completed.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-5-10.5

Plumbing installations; proof of licensure

Sec. 10.5. A person who submits a bid for a public works contract under this chapter that involves the installation of plumbing must submit evidence that the person is a licensed plumbing contractor under IC 25-28.5-1.

As added by P.L.20-1991, SEC.1.

IC 4-13.6-5-11

Void contracts

Sec. 11. All public works contracts not let in conformity with this chapter are void.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-5-12

Trench safety systems; cost recovery

Sec. 12. (a) This section applies to a public works project that may require creation of a trench of at least five (5) feet in depth.

(b) IOSHA regulations 29 C.F.R. 1926, Subpart P, for trench safety systems shall be incorporated into the contract documents for a public works project.

(c) The contract documents for a public works project shall provide that the cost for trench safety systems shall be paid for:

(1) as a separate pay item; or

(2) in the pay item of the principal work with which the safety systems are associated.

As added by P.L.26-1989, SEC.14.

IC 4-13.6-6

Chapter 6. Bid Opening and Award of Contracts

IC 4-13.6-6-1

Sealed bids; opening procedure; time to submit bids

Sec. 1. (a) All bids shall be sealed in an envelope when submitted to the division.

(b) The division shall open bids in public and read them aloud at the time and place designated in the instructions. Contractors and all other members of the public are entitled to attend bid openings. Before contractors and other members of the public are permitted to inspect and copy bids, the division shall copy the bids as required by IC 4-13.6-5-9.

(c) The division may not require any contractor to submit its bid at any time earlier than the time specified in the instructions for opening of bids.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-6-2

Award of contracts

Sec. 2. Except as provided in rules adopted under section 2.5 of this chapter, the division shall award a contract to the lowest responsible and responsive contractor.

As added by P.L.24-1985, SEC.7. Amended by P.L.5-1993, SEC.11; P.L.35-1995, SEC.2; P.L.66-2004, SEC.1; P.L.1-2010, SEC.7.

IC 4-13.6-6-2.5

Preference rules

Sec. 2.5. (a) As used in this section, "out-of-state business" refers to a business that is not an Indiana business.

(b) The department may adopt rules under IC 4-22-2 to give a preference to an Indiana business that submits a bid under this article if all of the following apply:

(1) An out-of-state business submits a bid.

(2) The out-of-state business is a business from a state that gives public works preferences unfavorable to Indiana businesses.

(c) Rules adopted under subsection (b) must establish criteria for determining the following:

(1) Whether a bidder qualifies as an Indiana business under the rules.

(2) When another state's preference is unfavorable to Indiana businesses.

(3) The method by which the preference for Indiana businesses is to be computed.

(d) Rules adopted under subsection (b) may not give a preference to an Indiana business that is more favorable to the Indiana business than the other state's preference is to the other state's businesses.

As added by P.L.35-1995, SEC.3.

IC 4-13.6-6-2.7
Repealed

(As added by P.L.66-2004, SEC.2. Amended by P.L.4-2005, SEC.18. Repealed by P.L.1-2010, SEC.156.)

IC 4-13.6-6-3
Rejection of all bids

Sec. 3. The division may, in the reasonable exercise of discretion, reject all bids submitted.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-6-4
Notice to proceed; extensions of time; notice of withdrawal of bid and rejection of contract

Sec. 4. (a) Within sixty (60) days from the date on which bids are opened, the division shall award a contract and shall provide the successful contractor with written notice to proceed.

(b) If the division fails to award and execute a contract and to issue notice to proceed within sixty (60) days that bids for the contract are opened, the successful contractor may grant one (1) or more extensions of time to the division to award a contract, to execute the contract, and to give notice to proceed. The date that an extension of time granted under this subsection expires must be a date upon which the division and the successful contractor agree.

(c) After the sixty (60) day period set by subsection (a) and all extension periods set under subsection (b) have expired, a successful contractor may elect to withdraw its bid and reject the contract only by delivering a written notice to the division that grants the division at least fifteen (15) additional days to award a contract to the successful contractor.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-6-5
Application of IC 5-22-16.5 to award of contracts under chapter

Sec. 5. (a) IC 5-22-16.5 (Disqualification of Contractors Dealing with the Government of Iran) applies to the awarding of contracts, including contracts for professional services, under this article.

(b) For purposes of applying IC 5-22-16.5 to contracts awarded under this article, the following apply:

(1) A reference to an "offer" in IC 5-22-16.5 refers to:
(A) a bid for a contract; or
(B) a proposal to provide professional services;
under this article.

(2) A person may not be awarded a contract under this article if the person would be disqualified from being awarded a contract under IC 5-22-16.5.

(3) The procedures, rights, and application of penalties described in IC 5-22-16.5 shall be applied in the context of this article so that the public policy of IC 5-22-16.5 and this article are both implemented.

As added by P.L.21-2012, SEC.1.

IC 4-13.6-7

Chapter 7. Bonding, Escrow, and Retainages

IC 4-13.6-7-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to this chapter by P.L.133-2007 apply only to public works contracts entered into after June 30, 2007.

As added by P.L.220-2011, SEC.37.

IC 4-13.6-7-1

Application of chapter

Sec. 1. The director may apply the retainage provisions of this chapter to public works projects with an estimated cost less than the amount specified in section 2 of this chapter.

As added by P.L.24-1985, SEC.7. Amended by P.L.133-2007, SEC.2.

IC 4-13.6-7-2

Contract provisions for retainage of payments; escrow accounts and agreements

Sec. 2. (a) If the estimated cost of a public works project is one million dollars ($1,000,000) or more, the division shall include as part of the public works contract provisions for the retainage of portions of payments by the division to the contractor, by the contractor to subcontractors, and for the payment of subcontractors and suppliers by the contractor. The contract must provide that the division may withhold from the contractor sufficient funds from the contract price to pay subcontractors and suppliers as provided in section 4 of this chapter.

(b) A public works contract and contracts between contractors and subcontractors, if portions of the public works contract are subcontracted, may include a provision that at the time any retainage is withheld, the division or the contractor, as the case may be, may place the retainage in an escrow account, as mutually agreed, with:

(1) a bank;

(2) a savings and loan institution;

(3) the state of Indiana; or

(4) an instrumentality of the state of Indiana;

as escrow agent. The parties to the contract shall select the escrow agent by mutual agreement. The parties to the agreement shall enter into a written agreement with the escrow agent.

(c) The escrow agreement must provide the following:

(1) The escrow agent shall promptly invest all escrowed principal in the obligations that the escrow agent selects, in its discretion.

(2) The escrow agent shall hold the escrowed principal and income until it receives notice from both of the other parties to the escrow agreement specifying the percentage of the escrowed principal to be released from the escrow and the persons to

whom this percentage is to be released. When it receives this notice, the escrow agent shall promptly pay the designated percentage of escrowed principal and the same percentage of the accumulated escrowed income to the persons designated in the notice.

(3) The escrow agent shall be compensated for its services as the parties may agree. The compensation shall be a commercially reasonable fee commensurate with fees being charged at the time the escrow fund is established for the handling of escrow accounts of like size and duration. The fee must be paid from the escrowed income of the escrow account.

(d) The escrow agreement may include other terms and conditions that are not inconsistent with subsection (c). Additional provisions may include provisions authorizing the escrow agent to commingle the escrowed funds held under other escrow agreements and provisions limiting the liability of the escrow agent.

As added by P.L.24-1985, SEC.7. Amended by P.L.22-1997, SEC.3; P.L.160-2006, SEC.4; P.L.172-2011, SEC.7.

IC 4-13.6-7-3

Amount of retainage withheld

Sec. 3. (a) To determine the amount of retainage to be withheld, the division shall elect one (1) of the following options:

(1) To withhold no more than six percent (6%) of the dollar value of all work satisfactorily completed until the public work is fifty percent (50%) complete, and nothing further after that.

(2) To withhold no more than three percent (3%) of the dollar value of all work satisfactorily completed until the public work is substantially complete.

(b) Upon substantial completion of the work, the division shall withhold the following:

(1) If there are any remaining uncompleted minor items, until those items are completed, an amount equal to two hundred percent (200%) of the value of each item as determined by the architect-engineer.

(2) Any amounts required to be withheld under section 8(b) of this chapter.

As added by P.L.24-1985, SEC.7. Amended by P.L.75-2012, SEC.1.

IC 4-13.6-7-4

Payment of subcontractors and suppliers; certification of previous payments; incorrect certification

Sec. 4. (a) Within ten (10) days of receipt of any payment by the state or the escrow agent, the contractor or escrow agent shall pay each subcontractor and each supplier the appropriate share of the payment the contractor received based upon the service performed by the subcontractor or the materials received from the supplier.

(b) The contractor shall furnish to the division a sworn statement

or certification at the time of payment to it that all subcontractors and suppliers have received their share of the previous payment to the contractor.

(c) If a contractor makes an incorrect certification, the department may do any of the following:

(1) Consider the incorrect certification a breach of contract and do any of the following:

(A) Cancel the contract.

(B) Collect from the contractor all funds paid to the contractor under the contract.

(C) Exercise all of the state's rights set out in the contract.

(2) Pursue remedies against the contractor for falsifying an affidavit.

(3) Revoke the contractor's qualification under IC 4-13.6-4-13(b).

(4) Use the incorrect certification as a basis for finding the contractor not responsible when awarding other contracts.

As added by P.L.24-1985, SEC.7. Amended by P.L.5-1993, SEC.12.

IC 4-13.6-7-5

Bid bonds

Sec. 5. (a) The director:

(1) may require each contractor of a public works project with an estimated cost of not more than two hundred thousand dollars ($200,000); and

(2) shall require each contractor of a public works project with an estimated cost of more than two hundred thousand dollars ($200,000);

to submit a good and sufficient bid bond with the bid. The bid bond may equal any percentage of the estimated cost of the public works project that the director requires.

(b) The division may accept bonds provided on forms specified by the department or on forms given by surety companies.

As added by P.L.24-1985, SEC.7. Amended by P.L.133-2007, SEC.3.

IC 4-13.6-7-6

Payment bonds

Sec. 6. (a) If the estimated cost of the public works project is more than two hundred thousand dollars ($200,000), the division shall require the contractor to execute a good and sufficient payment bond to the department for the state in an amount equal to one hundred percent (100%) of the total contract price. The bond shall include at least the following provisions:

(1) The contractor, its successors and assigns, whether by operation of law or otherwise, and all subcontractors, their successors and assigns, whether by operation of law or otherwise, shall pay all indebtedness that may accrue to any person on account of any labor or service performed or

materials furnished in relation to the public work.

(2) The bond shall directly inure to the benefit of subcontractors, laborers, suppliers, and those performing service or who may have furnished or supplied labor, material, or service in relation to the public work.

(3) No change, modification, omission, or addition in or to the terms or conditions of the contract, plans, specifications, drawings, or profile or any irregularity or defect in the contract or in the procedures preliminary to the letting and awarding of the contract shall affect or operate to release or discharge the surety in any way.

(4) The provisions and conditions of this chapter shall be a part of the terms of the contract and bond.

(b) The division may permit the bond given by the contractor to provide for incremental bonding in the form of multiple or chronological bonds that, if taken as a whole, equal the total contract price.

(c) The division may accept bonds provided on forms specified by the division or on forms given by surety companies.

(d) The division shall hold the bond of a contractor for the use and benefit of any claimant having an interest in it and entitled to its benefits.

(e) The division shall not release sureties of a contractor until the expiration of one (1) year after the final settlement with the contractor.

(f) If the estimated cost of the public works project is less than or equal to two hundred thousand dollars ($200,000), the director may require one (1) of the following:

(1) The contractor must execute a good and sufficient payment bond. The director may determine the amount of the bond to be any percentage, but no more than one hundred percent (100%), of the cost of the project.

(2) The division will withhold retainage under this chapter in an amount of ten percent (10%) of the dollar value of all payments made to the contractor until the public work is substantially completed.

As added by P.L.24-1985, SEC.7. Amended by P.L.14-1986, SEC.9; P.L.26-1989, SEC.13; P.L.22-1997, SEC.4; P.L.133-2007, SEC.4.

IC 4-13.6-7-7

Performance bonds

Sec. 7. (a) If the estimated cost of the public works project is:

(1) at least two hundred thousand dollars ($200,000), the division shall; or

(2) less than two hundred thousand dollars ($200,000), the division may;

require the contractor to execute a good and sufficient performance bond to the department for the state in an amount equal to one

hundred percent (100%) of the total contract price.

(b) The bond required under subsection (a) shall include at least the following provisions:

(1) The contractor shall well and faithfully perform the contract.

(2) No change, modification, omission, or addition in or to the terms or conditions of the contract, plans, specifications, drawings, or profile or any irregularity or defect in the contract or in the procedures preliminary to the letting and awarding of the contract shall affect or operate to release or discharge the surety in any way.

(3) The provisions and conditions of this chapter shall be a part of the terms of the contract and bond.

(c) The division may permit the bond given by the contractor to provide for incremental bonding in the form of multiple or chronological bonds that, if taken as a whole, equal the total contract price.

(d) The division may accept bonds provided on forms specified by the division or on forms given by surety companies.

(e) The division shall not release sureties of a contractor until the expiration of one (1) year after the final settlement with the contractor.

As added by P.L.24-1985, SEC.7. Amended by P.L.26-1989, SEC.15; P.L.22-1997, SEC.5; P.L.133-2007, SEC.5.

IC 4-13.6-7-8

Final settlement with contractor

Sec. 8. (a) Except for amounts withheld:

(1) from the contractor under section 3 of this chapter for uncompleted minor items; and

(2) under subsection (b);

the division may make a full, final, and complete settlement with a contractor, including providing for full payment of all escrowed principal and escrowed income, not later than sixty-one (61) days following the date of substantial completion if the contractor has materially fulfilled all of its obligations under the public works contract.

(b) If the division receives a claim from a subcontractor or a supplier under section 9 of this chapter, the division shall withhold the amount of the claim until the claim is resolved under section 9(c) of this chapter.

(c) After the division makes a final settlement with a contractor, all claims by subcontractors and suppliers to funds withheld from that contractor under section 2 of this chapter are barred.

As added by P.L.24-1985, SEC.7. Amended by P.L.75-2012, SEC.2.

IC 4-13.6-7-9

Payment of subcontractors and suppliers by division; proration of claims; disputed claims

Sec. 9. (a) If a subcontractor or a supplier files a claim with the division under section 10 of this chapter, and the claim is undisputed, the division shall:

(1) pay the claimant from the amounts retained from the contractor under section 2 of this chapter;

(2) take a receipt for each payment; and

(3) deduct the total amount paid to subcontractors and suppliers from the balance due the contractor.

(b) If there is not a sufficient amount owing to the contractor to pay all subcontractors and suppliers making undisputed claims under section 10 of this chapter, then the division shall prorate the amount withheld from the contractor and shall pay the prorated amount to each subcontractor and supplier entitled to a portion of the amount.

(c) If there is a dispute among the contractor, the subcontractors, and the suppliers to the funds withheld by the division, the division shall retain sufficient funds until the dispute is settled and the correct amount to be paid to each person is determined. When the dispute is resolved, the division shall make payments to persons making claims as provided in this section.

As added by P.L.24-1985, SEC.7.

IC 4-13.6-7-10

Claims of subcontractors and suppliers; verification; notice to contractors and sureties; actions upon bond

Sec. 10. (a) In order to receive payment under section 9 of this chapter or to proceed against the bond of the contractor required under section 6 of this chapter, a subcontractor or supplier making a claim for payment on account of having performed any labor or having furnished any material or service in relation to a public works project must file a verified claim with the division and deliver a copy of the claim to the contractor not later than sixty (60) days after the date the last labor was performed, the last material was furnished, or the last service was rendered by that subcontractor or supplier. The claim shall state the amount due and owing to the person and shall give as much detail explaining the claim as possible. The division shall notify the contractor of any filed claims before taking action under section 9 of this chapter.

(b) In order to proceed against the bond of the contractor required under section 6 of this chapter, the claimant must notify the surety of the contractor by sending a copy of the claim required by subsection (a) to the surety company. The claimant shall also inform the division and the contractor that the surety has been notified. The division shall supply the claimant with any information the claimant requires to notify the surety and the contractor.

(c) The claimant may not file suit against the contractor's surety on the contractor's bond before thirty (30) days after filing of the claim with the division and delivering a copy of the claim to the contractor. If the claim is not paid in full at the expiration of the

thirty (30) day period, the claimant may bring an action in a court of competent jurisdiction in the claimant's own name upon the bond.
As added by P.L.24-1985, SEC.7. Amended by P.L.75-2012, SEC.3.

IC 4-13.6-7-11
Limitation of actions against sureties

Sec. 11. Unless the bond provides a greater period of time, all suits must be brought against a surety on a bond required by this chapter within one (1) year after final settlement with the contractor under section 8 of this chapter. All suits against the surety after this time are barred.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-7-12
Construction of chapter with other laws

Sec. 12. This chapter is intended to supplement all other laws protecting labor, subcontractors, or suppliers and shall not be construed as conflicting with them.
As added by P.L.24-1985, SEC.7.

IC 4-13.6-8

Chapter 8. Energy Cost Savings Contracts

IC 4-13.6-8-1

"Commission" defined

Sec. 1. As used in this chapter, "commission" means the Indiana finance authority established by IC 4-4-11-4.

As added by P.L.58-1999, SEC.9 and P.L.172-1999, SEC.8. Amended by P.L.235-2005, SEC.58.

IC 4-13.6-8-2

"Energy cost savings contract" defined

Sec. 2. As used in this chapter, "energy cost savings contract" means a contract between:

(1) the state or the commission; and

(2) a qualified provider;

for the implementation of at least one (1) qualified energy savings project and related measures for a governmental body.

As added by P.L.58-1999, SEC.9 and P.L.172-1999, SEC.8.

IC 4-13.6-8-3

"Qualified energy savings project" defined

Sec. 3. As used in this chapter, "qualified energy savings project" means a facility alteration designed to reduce energy consumption costs or other operating costs. The term includes the following:

(1) Providing insulation of the facility and systems within the facility.

(2) Installing or providing for window and door systems, including:

(A) storm windows and storm doors;

(B) caulking or weatherstripping;

(C) multi-glazed windows and doors;

(D) heat absorbing or heat reflective glazed and coated windows and doors;

(E) additional glazing;

(F) reduction in glass area; and

(G) other modifications that reduce energy consumption.

(3) Installing automatic energy control systems.

(4) Modifying or replacing heating, ventilating, or air conditioning systems.

(5) Unless an increase in illumination is necessary to conform to Indiana laws or rules or local ordinances, modifying or replacing lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility.

(6) Providing for other measures that reduce energy consumption or reduce operating costs.

As added by P.L.58-1999, SEC.9 and P.L.172-1999, SEC.8.

IC 4-13.6-8-4
"Qualified provider" defined

Sec. 4. As used in this chapter, "qualified provider" means a person experienced in the design, implementation, and installation of energy and operational cost savings systems.

As added by P.L.58-1999, SEC.9 and P.L.172-1999, SEC.8.

IC 4-13.6-8-5
Contract proposals

Sec. 5. (a) At the request of a governmental body, the department, in consultation with the governmental body, may do the following:

(1) Solicit proposals from qualified providers for an energy cost savings contract.

(2) Review proposals and contract with a qualified provider.

(b) An energy cost savings contract may cover more than one (1) governmental body.

As added by P.L.58-1999, SEC.9 and P.L.172-1999, SEC.8.

IC 4-13.6-8-6
Allowable provisions in contracts

Sec. 6. An energy cost savings contract may do any of the following:

(1) Provide that energy cost savings are guaranteed by the qualified provider to the extent necessary to make payments for the qualified energy savings project.

(2) Include contracts for building operation programs, maintenance, and management or similar agreements with the qualified provider to reduce energy or operational costs.

As added by P.L.58-1999, SEC.9 and P.L.172-1999, SEC.8.

IC 4-13.6-8-7
Contract approval and guarantee

Sec. 7. (a) After reviewing the proposals submitted and after receiving a recommendation from the budget committee, the department may approve an energy cost savings contract with a qualified provider that best meets the needs of the governmental body if the department reasonably expects the cost of the qualified energy savings project recommended in the proposal would not exceed the amount to be saved in:

(1) energy costs;

(2) operational costs; or

(3) both energy and operational costs;

not later than twenty (20) years after the date installation is completed if the recommendations in the proposal are followed.

(b) An energy cost savings contract must include a guarantee from the qualified provider to the state that:

(1) energy cost savings;

(2) operational cost savings; or

(3) both energy and operational cost savings;
will meet or exceed the cost of the qualified energy project not later than twenty (20) years after the date installation is completed.
As added by P.L.58-1999, SEC.9 and P.L.172-1999, SEC.8. Amended by P.L.71-2009, SEC.1; P.L.99-2009, SEC.1.

IC 4-13.6-8-8
Records

Sec. 8. (a) The contractor and each subcontractor engaged in installing energy conservation measures under a guaranteed energy savings contract shall keep full and accurate records indicating the names, classifications, and work performed by each worker employed by the respective contractor and subcontractor in connection with the work and an accurate record of the number of hours worked by each worker and the actual wages paid.

(b) The payroll records required to be kept under this section must be open to inspection by an authorized representative of the department and the department of labor.
As added by P.L.58-1999, SEC.9 and P.L.172-1999, SEC.8. Amended by P.L.252-2015, SEC.5.

IC 4-13.6-8-9
Reduction of state appropriations due to energy cost savings prohibited

Sec. 9. The amount of state appropriations available to a governmental body may not be reduced because of energy cost savings and operational cost savings realized from a qualified energy savings project and an energy cost savings contract.
As added by P.L.58-1999, SEC.9 and P.L.172-1999, SEC.8.

IC 4-13.6-8-10
Recommendations to governor

Sec. 10. The department may recommend to the governor that an energy cost savings contract be entered into by the commission under IC 4-13.5-1.5.
As added by P.L.58-1999, SEC.9 and P.L.172-1999, SEC.8. Amended by P.L.235-2005, SEC.59.

IC 4-13.6-9

Chapter 9. Use of Energy Efficient Technology

IC 4-13.6-9-1

"Energy efficient technology"

Sec. 1. As used in this chapter, "energy efficient technology" refers to any of the following:

(1) Geothermal heating and cooling.
(2) Geothermal hot water generation.
(3) Solar hot water generation.
(4) Photovoltaic power generation.
(5) Wind power generation.
(6) Combined heat and power.
(7) Heat recovery chillers.
(8) Condensing boilers and low temperature heat.
(9) Air to air energy recovery devices.
(10) Autoclaved aerated concrete.
(11) Automated meter readers.
(12) Any other energy technology that has long term environmental value, energy efficiency, and cost effectiveness.

As added by P.L.159-2003, SEC.1.

IC 4-13.6-9-2

Public works division to consider energy efficient technologies

Sec. 2. The division shall examine and consider energy efficient technologies for a public works project using a life cycle analysis.

As added by P.L.159-2003, SEC.1.

IC 4-13.6-9-3

Use of energy efficient technologies

Sec. 3. To the extent technically and economically feasible, the division shall consider the use of energy efficient technology in the plans and specifications for the public works project.

As added by P.L.159-2003, SEC.1.

IC 4-13.6-9-4

Records of contacts and analysis of energy efficient technologies in contract file

Sec. 4. The division shall keep a record of the following in the public works contract file:

(1) The contacts the division makes with persons that provide energy efficient technology to implement this chapter.
(2) An analysis of the feasibility of using energy efficient technology in the public works project.

As added by P.L.159-2003, SEC.1.

ARTICLE 14. REPEALED

(Repealed by P.L.1-1993, SEC.18.)

IC 4-15

ARTICLE 15. PERSONNEL ADMINISTRATION

IC 4-15-1

Repealed

(Repealed by P.L.197-2011, SEC.153; P.L.229-2011, SEC.269.)

IC 4-15-1.5

Chapter 1.5. State Employees Appeals Commission

IC 4-15-1.5-1

Creation; membership

Sec. 1. There is created the State Employees Appeals Commission which shall consist of five (5) members, not more than three (3) of whom shall be adherents of the same political party. One (1) member shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and two (2) for a term of four (4) years. Every member so appointed shall serve until the member's successor shall have been appointed and qualified. Each successor shall serve a term of four (4) years. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment of the governor for the unexpired term.

(Formerly: Acts 1973, P.L.19, SEC.1.) As amended by P.L.215-2016, SEC.85.

IC 4-15-1.5-2

Qualifications of members

Sec. 2. The members of the commission shall be citizens of the state who are in sympathy with and have knowledge of the practice of professional personnel administration in public employment with particular appreciation for fairly and impartially determining the validity of employee appeals. No member of the commission shall be a member of any local, state, or national committee of a political party or an officer in any partisan political club or organization, or shall hold or be a candidate for, any elective public office, and upon acceptance of any such appointment or upon any such candidacy, the term of a member of the commission shall expire. Upon the acceptance of any other remunerative appointment to public office, the term of a member shall expire.

(Formerly: Acts 1973, P.L.19, SEC.1.) As amended by Acts 1982, P.L.23, SEC.4.

IC 4-15-1.5-3

Compensation

Sec. 3. Each member of the commission shall receive as compensation for services a salary and in addition shall receive actual and necessary traveling expenses and other expenses in the performance of the member's duties in the amount approved by the governor and the budget agency.

(Formerly: Acts 1973, P.L.19, SEC.1.) As amended by P.L.215-2016, SEC.86.

IC 4-15-1.5-4

Oath

Sec. 4. Before entering upon the discharge of official duties, each

member of the commission shall take and subscribe to an oath of office, which shall be filed in the office of the secretary of state.
(Formerly: Acts 1973, P.L.19, SEC.1.)

IC 4-15-1.5-5
Meetings

Sec. 5. The commission shall meet in rooms provided by the personnel department and assume the duties of office. Three (3) members of the commission shall constitute a quorum for the transaction of business, and a majority of votes cast shall be required for the adoption or approval of any official action. The commission shall elect one (1) of the members as the chairman and another member as vice-chairman and the persons so elected shall hold office for one (1) year and until their successors are elected and qualified. The commission shall hold at least one (1) annual meeting and such regular and special meetings as needed as the commission may prescribe by rule or upon the call of the chairman.
(Formerly: Acts 1973, P.L.19, SEC.1.) As amended by Acts 1982, P.L.23, SEC.5; P.L.178-2006, SEC.1; P.L.134-2012, SEC.4.

IC 4-15-1.5-6
Powers and duties

Sec. 6. The appeals commission is hereby authorized and required to do the following:

(1) To hear or investigate those appeals from state employees as is set forth in IC 4-15-2.2-42, and fairly and impartially render decisions as to the validity of the appeals or lack thereof. Hearings shall be conducted in accordance with IC 4-21.5.

(2) To make, alter, or repeal rules by a majority vote of its members for the purpose of conducting the business of the commission, in accordance with the provisions of IC 4-22-2.

(3) To recommend to the personnel director such changes, additions, or deletions to personnel policy which the appeals commission feels would be beneficial and desirable.

(Formerly: Acts 1973, P.L.19, SEC.1.) As amended by Acts 1982, P.L.23, SEC.6; P.L.5-1988, SEC.24; P.L.229-2011, SEC.55.

IC 4-15-1.5-7
Repealed

(Repealed by Acts 1982, P.L.23, SEC.40.)

IC 4-15-1.5-8
Separation from personnel board; appropriations

Sec. 8. The appeals commission shall be totally separate and independent of the personnel board. To ensure the independence of the commission as required by this chapter, appropriations to support the staff and other assistance needed to operate the commission must be made in a separate line item in the budget.

(Formerly: Acts 1973, P.L.19, SEC.1.) As amended by P.L.178-2006, SEC.2.

IC 4-15-1.8
Repealed

(Repealed by P.L.229-2011, SEC.269.)

IC 4-15-2
Repealed

(Repealed by P.L.229-2011, SEC.269.)

IC 4-15-2.2

Chapter 2.2. State Civil Service System

IC 4-15-2.2-1

Application

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to employees of a governmental entity that exercises any of the executive powers of the state under the direction of the governor or lieutenant governor.

(b) This chapter does not apply to the following:

(1) The legislative department of state government.

(2) The judicial department of state government.

(3) The following state elected officers and their personal staffs:

(A) The governor.

(B) The lieutenant governor.

(C) The secretary of state.

(D) The treasurer of state.

(E) The auditor of state.

(F) The superintendent of public instruction.

(G) The attorney general.

(4) A body corporate and politic of the state created by state statute.

(5) A political subdivision (as defined in IC 36-1-2-13).

(6) An inmate who is working in a state penal, charitable, correctional, or benevolent institution.

(7) The state police department.

(c) This subsection does not apply to a political subdivision, the ports of Indiana (established by IC 8-10-1-3), or the northern Indiana commuter transportation district (established under IC 8-5-15). The chief executive officer of a governmental entity that is exempt from this chapter under subsection (b) may elect to have this chapter apply to all or a part of the entity's employees by submitting a written notice of the election to the director.

As added by P.L.229-2011, SEC.56. Amended by P.L.121-2016, SEC.2.

IC 4-15-2.2-2

"Appointing authority"

Sec. 2. As used in this chapter, "appointing authority" means the head of a department, division, board, or commission, or an individual or group of individuals who have the power by law or by lawfully delegated authority to make appointments to positions in the state civil service.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-3

"Class of positions"

Sec. 3. As used in this chapter, "class" or "class of positions"

means a group of positions in the state civil service determined by the director to have sufficiently similar duties, authority, and responsibility such that:

(1) the same qualifications may reasonably be required for; and

(2) the same schedule of pay can be equitably applied to;

all positions in the group.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-4

"Classified employee"

Sec. 4. As used in this chapter, "classified employee" means an employee who:

(1) has been appointed to a position in the state classified service;

(2) has completed the working test period under section 34 of this chapter; and

(3) has been certified by the appointing authority for that classification of positions.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-5

"Commission"

Sec. 5. As used in this chapter, "commission" refers to the state employees appeals commission created by IC 4-15-1.5-1.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-6

"Department"

Sec. 6. As used in this chapter, "department" refers to the state personnel department established by section 13 of this chapter. The term includes the director.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-7

"Director"

Sec. 7. As used in this chapter, "director" refers to the state personnel director appointed under section 14 of this chapter.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-8

"Division of the service"

Sec. 8. As used in this chapter, "division of the service" means any of the following that are subject to this chapter and whose positions are under the same appointing authority:

(1) A state department.

(2) A division or branch of a state department.

(3) An agency of the state government.

(4) A branch of the state civil service.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-9
"State agency"

Sec. 9. As used in this chapter, "state agency" means an authority, board, branch, commission, committee, department, division, or other instrumentality of state government that is subject to this chapter. The term does not include a state educational institution (as defined in IC 21-7-13-32).
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-10
"State civil service"

Sec. 10. As used in this chapter, "state civil service" means public service by individuals who are subject to this chapter. The term includes the state classified service (as the term is described in section 21 of this chapter) and the unclassified service (as the term is described in section 22 of this chapter).
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-11
"State institution"

Sec. 11. As used in this chapter, "state institution" means any of the following:

(1) A state institution (as defined in IC 12-7-2-184).
(2) A correctional facility (as defined in IC 4-13.5-1-1) owned by the state and operated by the department of correction.
(3) The Indiana School for the Deaf established by IC 20-22-2-1.
(4) The Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.
(5) The Indiana Veterans' Home as described in IC 10-17-9.
(6) Any other facility owned and operated by the state whose employees participate in the state civil service.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-12
Construction; merit principles

Sec. 12. (a) This chapter shall be liberally construed so as to increase governmental efficiency and responsiveness and to ensure the employment of qualified persons in the state classified service on the basis of the following merit principles:

(1) Recruitment, selection, and promotion of employees on the basis of an individual's relative ability, knowledge, and skills.
(2) The provision of equitable and adequate compensation.
(3) The training of employees to ensure high quality performance.
(4) The retention of employees based on:

(A) the quality of the employees' performance; and
(B) the correction of inadequate performance;
and the dismissal of employees whose inadequate performance is not corrected.
(5) Fair treatment of applicants and employees in all aspects of personnel administration:
(A) without regard to political affiliation, race, color, national origin, gender, religious creed, age, or disability; and
(B) with proper regard for the applicants' and employees' privacy and constitutional rights as citizens.
(6) Protection of employees from coercion for partisan political purposes, and prohibition on an employee using the employee's official authority to interfere with, or affect the result of, an election or nomination for political office.

(b) All employment matters in the state classified service are guided by the merit principles set forth in subsection (a).

(c) The personnel administration systems adopted under this chapter govern and limit all other state employment matters and every appointing authority.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-13
Department established

Sec. 13. The state personnel department is established.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-14
Director

Sec. 14. (a) The governor shall appoint a director who is responsible for administering the department.

(b) The director serves at the governor's pleasure.

(c) The governor shall set the director's compensation.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-15
Duties of director

Sec. 15. The director shall do the following:
(1) Direct and supervise all administrative and technical activities of the department.
(2) Survey the administrative organization and procedures, including personnel procedures, of all state agencies, and submit to the governor measures to do the following among state agencies:
(A) Secure greater efficiency and economy.
(B) Minimize the duplication of activities.
(C) Effect better organization and procedures.
(3) Develop personnel policies, methods, procedures, and

standards for all state agencies.
(4) Establish and maintain a roster of all employees in the state civil service.
(5) Prepare, or cause to be prepared, a classification and pay plan for the state civil service.
(6) Administer the classification and pay plan prepared under subdivision (5).
(7) Allocate each position in the state civil service to its proper class.
(8) Approve individuals for appointment to positions in the state civil service.
(9) Approve employees for transfer, demotion, or promotion within the state civil service.
(10) Approve employees for suspension, layoff, or dismissal from the state civil service.
(11) Rate the service of employees.
(12) Arrange, in cooperation with the directors of the divisions of the service, for employee training.
(13) Make available employee relations specialists to help employees:
(A) resolve employment related problems; and
(B) understand the procedures that are available for redress of grievances that the employee relations specialists do not resolve.
(14) Investigate systems of appointment and promotion in operation in various departments or divisions of the state government.
(15) Investigate and approve the need for existing and new positions in the state civil service.
(16) Investigate periodically the operation and effectiveness of this chapter and rules adopted under this chapter.
(17) Implement, administer, and enforce this chapter and rules and policies adopted under this chapter.
(18) Appoint employees, experts, and special assistants, as necessary, to effectively carry out this chapter.
(19) Perform any other lawful acts that the director considers necessary or desirable to carry out this chapter.
(20) Perform any other duties imposed by this chapter or assigned by the governor.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-16
Deputies
Sec. 16. The director shall appoint one (1) or more employees of the department as the director's deputies.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-17

Examiners

Sec. 17. (a) The director may employ such expert or special examiners as may be required for the conduct of tests for positions in the state civil service.

(b) The director may select officers or employees in the state civil service to act as examiners in the preparation and rating of the tests described in subsection (a). An appointing authority may excuse any employee in the appointing authority's division of the service from the employee's regular duties for the time required to work as an examiner.

(c) Officers and employees are not entitled to extra pay for their service as examiners, but are entitled to reimbursement for necessary traveling and other expenses.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-18

Powers

Sec. 18. The department may do the following:

(1) Acquire, lease, own, or sell property in the name of the state in order to carry out its responsibilities under this chapter.

(2) Adopt a seal.

(3) Contract with persons outside the department to do those things that in the director's opinion cannot be adequately or efficiently handled by the department.

(4) Sue and be sued.

(5) Hire attorneys.

(6) Administer oaths.

(7) Take depositions.

(8) Issue subpoenas.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-19

Rules

Sec. 19. The director may adopt rules under IC 4-22-2 that the director considers necessary, appropriate, or desirable to carry out the department's responsibilities under this chapter.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-20

Divisions of the service

Sec. 20. The state civil service is divided into the following parts:

(1) The state classified service.

(2) The unclassified service.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-21

Classified service

Sec. 21. (a) Except as provided in subsection (b), the state

classified service consists of positions in programs that have a federal statutory or regulatory requirement for the establishment and maintenance of personnel standards on a merit basis, including positions under the following:

(1) Employment Security (Unemployment Insurance and Employment Services) (26 U.S.C. 3301 et seq., 29 U.S.C. 2801 et seq., 38 U.S.C. 2000 et seq., 42 U.S.C. 501 et seq., and 42 U.S.C. 1101 et seq.).

(2) Federal Payments for Foster Care and Adoption Assistance (42 U.S.C. 673).

(3) Supplemental Nutrition Assistance Program (7 U.S.C. 2011 et seq.).

(4) Grants to States for Aid to the Blind (42 U.S.C. 1201 et seq.).

(5) Medical Assistance (Medicaid) (42 U.S.C. 1396 et seq.).

(6) Occupational Safety and Health Act (29 U.S.C. 651 et seq.).

(7) Occupational Safety and Health Grants to States (29 U.S.C. 673).

(8) Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. 5121 et seq.).

(9) Social Security Act (42 U.S.C. 301 et seq.).

(10) State and Community Programs on Aging and the Older Americans Act (42 U.S.C. 3001 et seq.).

(11) Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(b) The following positions are exempt from the state classified service:

(1) An officer or employee appointed by the governor or lieutenant governor.

(2) A deputy, an administrative assistant, a secretary, or another position in a confidential relationship to an officer or employee described in subdivision (1).

(3) An employee who holds an executive level position:

(A) who is the head of a division or major unit within a state agency;

(B) who is a regional director or manager for a state agency, regardless of the title of the position; or

(C) who, as a substantial part of the position's duties, provides meaningful input on:

(i) the development of policy goals; or

(ii) the implementation of policy.

(4) The superintendent or director of a state institution.

(5) The highest ranking employee of a state agency who:

(A) holds an executive level position; and

(B) has primary responsibility for one (1) or more of the following functions:

(i) Public information.

(ii) Legal matters.

(iii) Fiscal matters.

(iv) Security or internal affairs.
(v) Human resources.

(c) This section may not be construed to include in the state classified service a position in a governmental entity listed in section 1(b) of this chapter unless the chief executive officer of the governmental entity makes the election described in section 1(c) of this chapter to have all or a part of the governmental entity's employees participate in the state civil service.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-22

Unclassified service

Sec. 22. (a) The unclassified service consists of all offices and positions in the state civil service other than those in the state classified service.

(b) The unclassified service is separate from the state classified service.

(c) Except as expressly provided in this chapter, the human resource management systems applicable to the state classified service do not apply to the unclassified service.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-23

Classified service; standard for dismissal, demotion, or suspension

Sec. 23. (a) An employee in the state classified service who has successfully completed a working test period may be dismissed, demoted, or suspended only for just cause, including cause under section 49 of this chapter.

(b) A classified employee is entitled to appeal a dismissal, demotion, or suspension as provided in section 42 of this chapter.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-24

Unclassified service; at-will employee

Sec. 24. (a) An employee in the unclassified service is an employee at will and serves at the pleasure of the employee's appointing authority.

(b) An employee in the unclassified service may be dismissed, demoted, disciplined, or transferred for any reason that does not contravene public policy.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-25

Reorganization of agency; impact on unclassified positions

Sec. 25. Whenever a state agency or state institution is added to the classified part of the state civil service established by this chapter, an employee of the state agency or state institution who is in a position that is not subject to the classified provisions of this

chapter is entitled to continue in that position until the employee has an opportunity to acquire classified employee status.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-26
Classification plan

Sec. 26. (a) The director, after consulting with appointing authorities and other qualified authorities, shall determine, or cause to be determined, the authority, duties, and responsibilities of all positions in the state civil service.

(b) The director shall prepare a classification plan that groups all positions in the state civil service in classes, based on the authority, duties, and responsibilities of each position. The classification plan must set forth, for each class of positions, the class title and a statement of the authority, duties, and responsibilities of the class. Each class of positions may be subdivided, and classes may be grouped and ranked in such manner as the director considers appropriate.

(c) New, reclassified, or reallocated positions must be classified, reclassified, or reallocated in the same manner as positions were initially classified or allocated.

(d) The director periodically shall:

(1) review the positions in state civil service; and

(2) reallocate the positions to the proper classes based on the duties and responsibilities of the positions at the time of the review under subdivision (1).

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-27
Pay plan

Sec. 27. (a) After consultation with the budget agency, the director shall prepare and recommend to the governor a pay plan for all employees holding positions for which compensation is not fixed by law.

(b) The pay plan must provide, for each class of positions, a minimum and maximum rate of pay as well as any intermediate rates of pay that the director considers necessary or equitable. In establishing the rates, the director shall consider the following factors:

(1) The experience in recruiting for positions in the state civil service.

(2) The prevailing rates of pay for the service performed and for comparable services in public and private employment.

(3) The cost of living.

(4) Benefits, other than the rate of pay, available to or received by employees.

(5) The state's financial condition and policies.

(c) The pay plan takes effect after the plan is approved by the

budget agency and accepted by the governor.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-28
Use of classification titles or code numbers

Sec. 28. (a) Classification titles or corresponding code numbers must be used to designate positions in all personnel, accounting, budget, appropriation, and financial records and communications of all state departments, institutions, and agencies.

(b) A person may not be appointed to or employed in a position in the state civil service unless the director has approved the class title of the position as appropriate to the duties to be performed.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-29
Vacancies in classified service

Sec. 29. Vacancies in the state classified service may be filled only by a process approved by the director in accordance with the merit principles set forth in section 12 of this chapter.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-30
Rejection of application for employment; grounds

Sec. 30. An application for employment may be rejected if the department determines that the applicant:

(1) lacks any of the required qualifications;
(2) is incapable of performing the essential functions of the position that the applicant is seeking;
(3) has been convicted of a crime;
(4) has been dismissed from the public service;
(5) has made a false statement of a material fact; or
(6) committed or attempted to commit a fraud or deception in connection with submitting an application or attempting to secure an appointment to the state civil service.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-31
Notification of available job positions

Sec. 31. (a) The director shall inform prospective applicants for state employment of the process for obtaining state employment.

(b) The director may advertise or employ any other methods of publicizing opportunities for employment in state civil service.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-32
Classified service; veteran preference

Sec. 32. (a) Former members of the armed forces of the United States who meet both of the following requirements shall receive a

preference for appointment or reemployment in the state classified service:

(1) The veteran served on active duty in any branch of the armed forces.

(2) The veteran was not discharged or separated from the armed forces under other than honorable conditions, unless the veteran presents appropriate records from:

(A) the United States Department of Defense; or

(B) the appropriate branch of the armed forces;

showing a correction of a separation or discharge to "honorable".

(b) When:

(1) preemployment interviews of external candidates are conducted; and

(2) the qualified applicant pool includes veterans;

veterans must be included in the group offered interviews.

(c) In computing seniority for purposes of a personnel reduction in state civil service, the computation must include the length of time the employee spent on active duty in the armed forces of the United States.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-33

Certification and placement of individuals with a disability

Sec. 33. (a) As used in this section, "individual with a disability" means an individual:

(1) with a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; or

(2) who:

(A) has a record of; or

(B) is regarded as;

having an impairment described in subdivision (1).

(b) Notwithstanding any other provision of this chapter, an Indiana rehabilitation facility or the division of disability and rehabilitative services may certify that an individual:

(1) is an individual with a disability; and

(2) possesses the required knowledge, skill, and ability to perform the essential functions of a position classification:

(A) with or without reasonable accommodation; or

(B) with special accommodation for supported employment.

(c) An applicant with a disability who is certified under subsection (b) may be appointed to a position in a classification for which the applicant is certified.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-34

Classified service; work test period

Sec. 34. (a) Every person appointed to a classification in the state classified service shall complete a working test period while occupying a position in the classification. The working test period begins immediately upon the person's appointment and continues until a time established by the director. At least once during the working test period, the appointing authority shall prepare for the director, in the manner specified by the director, a full performance appraisal of the employee's work.

(b) Subject to subsection (c), the appointing authority may remove an employee for any reason at any time during the employee's working test period. The appointing authority shall immediately report the removal to the director and to the employee who is removed.

(c) If the director finds during an employee's working test period that the employee was appointed as a result of error or fraud, the director may remove the employee after providing the employee with notice and an opportunity to be heard.

(d) Before the expiration of an employee's working test period, the appointing authority shall notify the director as to:

(1) whether the services of the employee have been satisfactory; and

(2) whether the appointing authority will continue the employee's employment after the working test period ends.

The appointing authority shall provide the employee with a copy of the notice given to the director.

(e) Sections 23 and 42 of this chapter do not apply to an employee who is removed during a working test period for the initial classification in the state classified service to which the employee is appointed.

(f) The removal of an employee in the classified service from a working test period for a promotion from one (1) classification to another classification is not appealable, unless the removal results in the employee's dismissal or layoff.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-35

Reassignment; reorganization

Sec. 35. (a) An appointing authority may at any time reassign an employee from one (1) position to another position in the same class or rank in the division of the service. The appointing authority shall, immediately after making the reassignment, give notice of the reassignment to the director.

(b) The transfer of a classified employee from a position in a division of the service to a position of the same class or rank in another division of the service requires the approval of:

(1) the appointing authorities of both divisions of the service; and

(2) the director.

(c) A classified employee must be appointed, rather than transferred, to a position:

(1) in another class of a higher rank; or

(2) for which the requirements for appointment are substantially dissimilar to the requirements for the position the employee currently holds.

(d) The reassignment of a classified employee to a position in a class of a lower rank is a demotion. Unless the employee consents to the demotion in writing, the appointing authority must comply with section 23 of this chapter in making the demotion. A classified employee is entitled to appeal the demotion in accordance with section 42 of this chapter.

(e) This section may not be construed to prohibit an appointing authority from temporarily substituting duties unrelated to an employee's position classification for the employee's usual duties.

(f) This section may not be construed to impair the director's authority to reclassify or reorganize positions in the state civil service as long as the reclassification or reorganization is not based on a classified employee's misconduct or poor performance. The just cause standard described in section 23 of this chapter does not apply to such a reclassification or reorganization.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-36

Evaluation standards; service ratings

Sec. 36. (a) In cooperation with appointing authorities, the director shall establish, and may periodically amend:

(1) the standards of performance for employees;

(2) the expected outcomes for employees; and

(3) a system of service ratings based upon the standards described in subdivisions (1) and (2).

(b) Employee performance standards and expected outcomes must be specific, measurable, achievable, relevant to the strategic objective of the employee's state agency or state institution, and time sensitive.

(c) Each employee at all levels of the state civil service shall be held accountable for participating in the process of establishing the standards, outcomes, and ratings described in this section.

(d) Each appointing authority shall, at periodic intervals (but at least annually), make, and report to the director, service ratings for the employees in the appointing authority's division of the service. As requested by the director, the appointing authority shall provide the information on which the appointing authority relied in determining a service rating.

(e) Service ratings may be used as follows:

(1) To determine salary increases and decreases within the limits established by law and by the pay plan developed under section 27 of this chapter.

(2) As a factor in making promotions.
(3) As a means of discovering employees:
(A) who are candidates for promotion or transfer; or
(B) who, because of a low service rating, are candidates for demotion or dismissal.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-37
Report to director; change in employee status

Sec. 37. (a) An appointing authority shall report to the director each appointment, transfer, promotion, demotion, dismissal, change of salary rate, absence from duty, and other temporary or permanent change in the status of an employee in the appointing authority's division of the service.

(b) The director shall prescribe the submission deadline, the form, and the supporting or pertinent information required for the report.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-38
Personnel records; roster; analysis

Sec. 38. (a) The director shall maintain a perpetual roster that includes at least the following information for each employee in the state civil service system:

(1) Whether the employee is in the state classified service or the unclassified service.
(2) The title of the position the employee holds.
(3) The department, state agency, or state institution to which the employee is assigned.
(4) The employee's pay rate.
(5) The employee's date of appointment.
(6) Any other information that the director considers pertinent.

(b) The director shall maintain any other personnel records that the director considers desirable.

(c) The director shall provide tabulations and analyses of state employee personnel data that are available to the director to:

(1) the governor;
(2) the general assembly in the electronic format required by IC 5-14-6;
(3) the budget director;
(4) department and institution directors; and
(5) other persons to the extent required by and in accordance with IC 5-14-3.

(d) All officers and employees shall, during usual business hours:

(1) grant to the director, or any agent or employee of the department designated by the director, unlimited access to the premises and records pertaining to personnel matters that are under the officers' or employees' control; and
(2) furnish to the director, or the director's agent, the facilities,

assistance, and information required to administer this chapter.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-39
Rules governing hours of work and leaves of absence

Sec. 39. Rules adopted by the department for state civil service employees must provide for the hours of work and leaves of absence.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-40
Lay off and furlough authority; reduction in hours

Sec. 40. (a) An appointing authority has the authority to lay off or furlough employees or to reduce hours of employment for any of the following reasons:

(1) Lack of funds.
(2) A reduction in spending authorization.
(3) Lack of work.
(4) Efficiency.

(b) The appointing authority has the authority to determine the extent, effective dates, and length of a layoff, furlough, or reduction in hours taken under subsection (a).

(c) The appointing authority shall determine the classifications affected and the number of employees laid off in each classification and county to which a layoff applies.

(d) In determining a layoff, the appointing authority must consider all employees under the same appointing authority, within the classification affected, and within the county affected, and consider service ratings first. Thereafter, consideration may be given to the following relevant factors:

(1) Disciplinary record.
(2) Knowledge, skill, and ability.
(3) Seniority.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-41
Recall after lay off

Sec. 41. (a) As used in this section, "state seniority" means the length of an employee's unbroken, continuous state employment.

(b) A former employee in the state civil service system has a right of recall to the classification from which the employee was laid off. Recall rights under this section are to positions under the same appointing authority and in the same or a contiguous county from which a former employee was laid off.

(c) A former employee must assert in a timely manner the claim of entitlement to recall in response to the official posting of a vacancy.

(d) A recall under this section is contingent upon the former employee having the knowledge, skill, and ability to perform the

duties of the position for which the former employee is applying.

(e) The appointing authority shall recall former employees in the order of the employees' service ratings. In the event of a tie in service ratings, the right to recall is determined by state seniority. If there is a tie in state seniority, the former employee with the highest number comprised of the last four (4) digits of the employee's Social Security number is the employee recalled.

(f) The right to recall under this section expires on the earlier of:

(1) one (1) year after date the employee is laid off; or

(2) the date the employee is reemployed in a permanent position.

(g) For state seniority purposes, an employee who becomes reemployed within one (1) year after the date the employee is laid off is considered to have unbroken, continuous state employment, except that the time that the employee spent in out-of-pay status as a result of the layoff must be deducted from the employee's total seniority.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-42

Complaint procedure

Sec. 42. (a) An employee in the state civil service system may file a complaint concerning the application of a law, rule, or policy to the complainant. However, a gubernatorial appointee does not have standing to file a complaint under this section.

(b) A complaint filed under this section must identify the law, rule, or policy that was allegedly violated.

(c) An employee who files a complaint under this section must initiate the complaint procedure as soon as possible after the occurrence of the act or condition complained of, and not later than thirty (30) calendar days after the date the employee became aware, or by the exercise of reasonable diligence should have been aware, of the occurrence giving rise to the complaint. An employee who does not initiate the complaint procedure within the thirty (30) day period waives the right to file that complaint.

(d) A remedy granted under this section may not extend back more than thirty (30) calendar days before the complaint was initiated.

(e) The following complaint procedure is established:

Step I: The complainant shall reduce the complaint to writing and present the complaint to the appointing authority or the appointing authority's designated representative. The appointing authority or designee shall conduct any investigation considered necessary and issue a decision, in writing, not later than fifteen (15) calendar days after the date the appointing authority receives the complaint.

Step II: If the appointing authority or the appointing authority's designated representative does not find in favor of the complainant, the complainant may submit the complaint to the

director not later than fifteen (15) calendar days after the date of the appointing authority's finding. The director or the director's designee shall review the complaint and issue a decision not later than thirty (30) calendar days after the date the complaint is submitted to the director.

Step III: If the employee is not satisfied with the director's decision, the employee may submit an appeal in writing to the commission not later than fifteen (15) calendar days after the date the employee receives notice of the action taken by the director or the director's designee. The commission shall determine whether all previous steps were completed properly and in a timely manner, and, subject to subsection (f), whether the employee and subject of the complaint meet the jurisdictional requirements. If a procedural or jurisdictional requirement is not met, the commission shall dismiss the appeal. If the procedural and jurisdictional requirements have been met, the commission shall conduct proceedings in accordance with IC 4-21.5-3.

(f) An unclassified employee must establish that the commission has subject matter jurisdiction to hear the employee's wrongful discharge claim by establishing that a public policy exception to the employment at will doctrine was the reason for the employee's discharge. The former employee has the burden of proof on this issue.

(g) In a disciplinary case involving a classified employee, the commission shall defer to the appointing authority's choice as to the discipline imposed, if the appointing authority establishes that there was just cause for the imposition of the discipline. The appointing authority has the burden of proof on this issue.

(h) Decisions of the commission are subject to judicial review in accordance with IC 4-21.5-3.

(i) An employee who is suspended or terminated after a hearing held by the state ethics commission is not entitled to use the procedure set forth in this section. An employee who seeks further review of a suspension or termination imposed by the state ethics commission must seek judicial review of the state ethics commission's decision in accordance with IC 4-21.5-3.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-43

Retirement benefits

Sec. 43. (a) An employee covered by this chapter:

(1) is eligible for;

(2) must participate in; and

(3) receives the benefits of;

the public employees' retirement fund under IC 5-10.2 and IC 5-10.3.

(b) An employee holding an hourly, temporary, or intermittent appointment:

(1) is not eligible to become a member of the public employees' retirement fund; and

(2) does not earn creditable service for purposes of the public employees' retirement fund for service in those positions.

(c) Notwithstanding any contrary provision, an employee who served in an intermittent form of temporary employment after June 30, 1986, and before July 1, 2003, shall receive creditable service for the period of intermittent employment.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-44

Equal opportunity requirements

Sec. 44. (a) An officer or employee implementing or administering this chapter may not consider the gender or the political, religious, or racial characteristics of a classified employee.

(b) A classified employee may not be compelled to make political contributions or participate in any form of political activity.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-45

Resignation; election to public office

Sec. 45. (a) This section does not apply to precinct committeemen, state or national party convention delegates, or candidates for these party positions.

(b) A classified employee who is elected to a federal or state public office is considered to have resigned from state service on the date the person takes office.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-46

Prohibition on false statements and fraud related to employment or administration of civil service system

Sec. 46. A person may not:

(1) make a false statement, certificate, mark, rating, or report in connection with an appointment under this chapter; or

(2) commit or attempt to commit in any manner fraud that prevents the impartial implementation or administration of this chapter or rules adopted under this chapter.

As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-47

Prohibition on accepting or soliciting benefit for appointment or promotion of employee

Sec. 47. A person may not, directly or indirectly, give, render, pay, offer, solicit, or accept money, service, or other valuable consideration:

(1) for, or in connection with, an appointment, a proposed appointment, a promotion, or a proposed promotion to; or

(2) to obtain any advantage in;
a position in the state classified service.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-48
Powers; administration of oaths; subpoenas; examinations; production of records

Sec. 48. (a) For the purpose of enforcing this chapter, the director and authorized employees of the department have authority to:

(1) administer oaths;
(2) conduct examinations;
(3) subpoena witnesses; and
(4) require:
(A) the attendance of witnesses; and
(B) the production of books, records, and papers;
at any reasonable place.

(b) The director must sign all subpoenas issued under this section.

(c) The circuit or superior court of a county shall compel obedience to subpoenas and requests for the production of books, records, and papers issued under this section, upon a verified written application by the person conducting the examination, ten (10) days notice to the person whose testimony or production is sought, and a showing of the probability of any of the following:

(1) The books, records, and papers are material to the examination.
(2) The witness has information that is material to the examination.

(d) It is unlawful to fail to:

(1) appear in response to a subpoena;
(2) answer questions; or
(3) produce books or papers;
in connection with an investigation or hearing under this chapter.

(e) It is unlawful to knowingly give false testimony at an investigation or hearing under this chapter.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-49
Grounds for dismissal; failure to appear; failure to testify

Sec. 49. The refusal or failure of an employee in the state classified service to do any of the following is sufficient grounds for the employee's dismissal by the appointing authority:

(1) The employee willfully refuses or fails to appear before:
(A) a court or judge;
(B) a legislative committee; or
(C) an officer, board, or body authorized to conduct a hearing or inquiry.
(2) After making an appearance, the employee refuses to testify or answer questions relating to:

(A) the affairs or government of the state; or
(B) the conduct of any officer or employee.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-50
Agreements to provide services to political subdivision
Sec. 50. The director may enter into an agreement with a political subdivision (as defined in IC 36-1-2-13) to furnish services related to or involving the administration of the political subdivision's personnel system. The agreement must provide for the reimbursement to the state of the reasonable cost, as determined by the director, of the services and facilities furnished. All political subdivisions are authorized to enter into such agreements.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-51
Construction; effect of law on grants
Sec. 51. This chapter may not be construed so as to result in the delay or stoppage of grants-in-aid to the state by agencies of the federal government.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-52
References to predecessor agency or law
Sec. 52. (a) Any reference or cross-reference to the state personnel department in the Indiana Code shall be treated after June 30, 2011, as a reference or cross-reference to the department.
(b) Any reference or cross-reference to IC 4-15-1.8 or IC 4-15-2 shall be treated after June 30, 2011, as a reference or cross-reference to this chapter.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.2-53
State civil service system
Sec. 53. The human resources management system established by this chapter shall be known as the state civil service system.
As added by P.L.229-2011, SEC.56.

IC 4-15-2.5
Repealed

(Repealed by P.L.229-2011, SEC.269.)

IC 4-15-3
Repealed
(Repealed by P.L.229-2011, SEC.269.)

IC 4-15-4
Repealed

(Repealed by P.L.229-2011, SEC.269.)

IC 4-15-5
Repealed

(Repealed by Acts 1980, P.L.8, SEC.42.)

IC 4-15-5.9

Chapter 5.9. Biweekly Payroll Payments

IC 4-15-5.9-1

Procedure

Sec. 1. (a) Notwithstanding any other law, rule, or custom, the auditor of state shall issue payroll warrants or authorizations for electronic funds transfer under IC 4-13-2-7 to all state employees on a biweekly basis, so that the employees shall receive payment on the same day of the week, in alternate weeks. The auditor may provide for staggering of payrolls so that payment in the required manner can be effectively made, in accordance with this chapter.

(b) Should a fiscal year terminate during any biweekly payroll period, that portion of the payroll warrant or authorization representing compensation for services performed during the terminated fiscal year shall be charged against the appropriations for that fiscal year and that portion of the payroll warrant representing compensation for services performed subsequent to the terminated fiscal year shall be charged against the appropriations for the new fiscal year.

(Formerly: Acts 1971, P.L.23, SEC.1; Acts 1972, P.L.11, SEC.1.) As amended by P.L.23-1985, SEC.3.

IC 4-15-5.9-2

Deposit of compensation in employee's account in a financial institution; written request by employee

Sec. 2. (a) A state employee may make a written request that any compensation due from the state be deposited to the employee's account in a financial institution. Upon receipt of the request, the auditor of state may:

(1) draw a warrant in favor of the financial institution set forth in the request for the credit of the employee;

(2) in the event more than one (1) employee of the state designates the same financial institution, draw a single warrant in favor of the financial institution for the total amount due the employees and transmit the warrant to the financial institution identifying each employee and the amount to be deposited in each employee's account; or

(3) make a direct deposit to the bank or trust company by electronic funds transfer under IC 4-13-2-7.

(b) The employee's written request shall authorize in advance the direct deposit by warrant or electronic funds transfer of the employee's earnings each time a payroll warrant or electronic funds transfer is issued on the employee's behalf. The employee's written authorization must designate a financial institution and an account number to which the payment is to be credited. The employee's authorization remains in effect until the employee revokes it in writing.

As added by P.L.23-1985, SEC.4.

IC 4-15-6
Repealed

(Repealed by Acts 1977, P.L.30, SEC.3.)

IC 4-15-7
Repealed
(Repealed by P.L.105-2012, SEC.3.)

IC 4-15-8
Repealed
(Repealed by P.L.37-1995, SEC.1.)

IC 4-15-9
Repealed

(Repealed by P.L.229-2011, SEC.269.)

IC 4-15-10

Chapter 10. State Employees' Bill of Rights

IC 4-15-10-0.1

Repealed

(As added by P.L.220-2011, SEC.38. Repealed by P.L.63-2012, SEC.3.)

IC 4-15-10-1

Definitions

Sec. 1. As used in this chapter:

"Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government created or established by law. However, the term does not include state colleges and universities.

"Appointing authority" means the individual or group of individuals who have the power by law or by lawfully delegated authority to make appointment to a position in an agency.

"Employee" means an employee of an agency except an elected official.

"Supervisor" means an individual who oversees the daily activity of an employee.

As added by Acts 1981, P.L.36, SEC.2.

IC 4-15-10-2

Political activities

Sec. 2. Except when on duty or acting in an official capacity and except where otherwise provided by state or federal law, no employee shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.

As added by Acts 1981, P.L.36, SEC.2.

IC 4-15-10-3

Membership in organizations of employees

Sec. 3. No employee shall be denied the right to be a member of an organization of employees.

As added by Acts 1981, P.L.36, SEC.2.

IC 4-15-10-4

Protection of employees reporting violations of state or federal laws

Sec. 4. (a) Any employee may report in writing the existence of:

(1) a violation of a federal law or regulation;

(2) a violation of a state law or rule;

(3) a violation of an ordinance of a political subdivision (as defined in IC 36-1-2-13); or

(4) the misuse of public resources;

to a supervisor or to the inspector general.

(b) For having made a report under subsection (a), the employee making the report may not:

(1) be dismissed from employment;

(2) have salary increases or employment related benefits withheld;

(3) be transferred or reassigned;

(4) be denied a promotion the employee otherwise would have received; or

(5) be demoted.

(c) Notwithstanding subsections (a) and (b), an employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employee's appointing authority, the appointing authority's designee, or the ethics commission. However, any state employee disciplined under this subsection is entitled to process an appeal of the disciplinary action under the procedure as set forth in IC 4-15-2.2-42.

(d) An employer who violates this section is subject to criminal prosecution under IC 35-44.2-1-1.

As added by Acts 1981, P.L.36, SEC.2. Amended by P.L.17-1984, SEC.1; P.L.32-1987, SEC.1; P.L.5-1988, SEC.25; P.L.9-1990, SEC.11; P.L.222-2005, SEC.21; P.L.6-2012, SEC.13; P.L.126-2012, SEC.12.

IC 4-15-10-5

Exercise of rights; penalties prohibited

Sec. 5. No employee shall suffer a penalty or the threat of a penalty because the employee exercised the employee's rights under this chapter.

As added by Acts 1981, P.L.36, SEC.2. Amended by P.L.215-2016, SEC.87.

IC 4-15-10-6

Limitation of rights and remedies prohibited

Sec. 6. Nothing in this chapter shall disparage, impair, or limit any other right or legal remedy of an employee.

As added by Acts 1981, P.L.36, SEC.2.

IC 4-15-10-7

Volunteer firefighting activity

Sec. 7. (a) An employee may not be disciplined for absence from work if:

(1) the employee is a member of a volunteer fire department under IC 36-8-12;

(2) the employee has notified the employee's immediate supervisor in writing that the employee is a member of a

volunteer fire department;

(3) the employee presents a written statement to the employee's immediate supervisor from the chief or other officer in charge of the volunteer fire department that the employee was engaged in emergency firefighting activity at the time of the employee's absence from work; and

(4) the employee secures authorization from the employee's supervisor to leave the employee's duty station if the employee has already reported for work.

(b) An employee who:

(1) is a member of a volunteer fire department under IC 36-8-12; and

(2) is injured while the employee is engaged in emergency firefighting or other emergency response;

may not be disciplined as a result of the injury or an absence from work because of the injury if the employee complies with subsections (a) and (c). However, for each instance of emergency firefighting activity or other emergency response that results in an injury to an employee, this subsection applies only to the period of the employee's absence from work that does not exceed six (6) months from the date of the injury.

(c) The immediate supervisor of an employee described in subsection (b) may require the employee to provide evidence from a physician or other medical authority showing:

(1) treatment for the injury at the time of the absence; and

(2) a connection between the injury and the employee's emergency firefighting or other emergency response activities.

(d) To the extent required by federal or state law, information obtained under subsection (c) by an immediate supervisor must be:

(1) retained in a separate medical file created for the employee; and

(2) treated as a confidential medical record.

(e) The state personnel department shall administer an absence from employment under subsection (b) in a manner consistent with the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), as amended and in effect on January 1, 2009.

As added by Acts 1982, P.L.26, SEC.1. Amended by P.L.1-1999, SEC.4; P.L.63-2009, SEC.1.

IC 4-15-10-8

Civil air patrol emergency service operations

Sec. 8. (a) For purposes of this section, "civil air patrol" refers to the Indiana wing of the civil air patrol.

(b) For purposes of this section, "emergency service operation" includes the following operations of the civil air patrol:

(1) Search and rescue missions designated by the Air Force Rescue Coordination Center.

(2) Disaster relief, when requested by the Federal Emergency

Management Agency or the department of homeland security established by IC 10-19-2-1.

(3) Humanitarian services, when requested by the Federal Emergency Management Agency or the department of homeland security established by IC 10-19-2-1.

(4) United States Air Force support designated by the First Air Force, North American Aerospace Defense Command.

(c) An employee may not be disciplined for absence from work if:

(1) the employee is a member of the civil air patrol;

(2) the employee has notified the employee's immediate supervisor in writing that the employee is a member of the civil air patrol;

(3) in the event that the employee has already reported for work on the day of the emergency service operation, the employee secures authorization from the employee's supervisor to leave the employee's duty station before leaving to engage in the emergency service operation; and

(4) the employee presents a written statement to the employee's immediate supervisor from the commander or other officer in charge of the civil air patrol indicating that the employee was engaged in an emergency service operation at the time of the employee's absence from work.

As added by P.L.10-2007, SEC.1. Amended by P.L.1-2009, SEC.10.

IC 4-15-11

Chapter 11. Legal Defense of State Employees

IC 4-15-11-1

"Officer or employee of the state"

Sec. 1. As used in this chapter, "officer or employee of the state" means the following:

(1) An elected official or employee of a state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government created or established by law.

(2) A teacher (as defined in IC 20-18-2-22).

The term does not include an employee of a state educational institution.

As added by P.L.33-1987, SEC.1. Amended by P.L.16-1990, SEC.2; P.L.1-2005, SEC.63; P.L.2-2007, SEC.46.

IC 4-15-11-2

Representation by attorney general or appointed counsel

Sec. 2. An officer or employee of the state who is charged with a crime or infraction in the courts of this state or of the United States or who is the target of a grand jury investigation may not be represented in those proceedings by the attorney general or by counsel appointed or provided by the attorney general.

As added by P.L.33-1987, SEC.1.

IC 4-15-11-3

Reimbursement of expenses; applications; approval; payment

Sec. 3. (a) An officer or employee of the state who is charged with a crime or infraction relating to that individual's acts as an officer or employee may apply to the budget agency for reimbursement of reasonable expenses incurred in the officer's or employee's defense against those charges if all charges have been dismissed or if the officer or employee has been found not guilty of the charges.

(b) An officer or employee of the state who is the target of a grand jury investigation relating to that individual's acts in carrying out the individual's responsibilities as an officer or employee of the state may apply to the the budget agency for reimbursement of reasonable expenses incurred by the officer or employee resulting from the grand jury investigation if the grand jury fails to indict the officer or employee.

(c) The budget agency may approve reimbursement of reasonable expenses under this section if:

(1) the officer or employee who was charged with a crime or infraction or who was the target of a grand jury investigation retained counsel; and

(2) the expenses for which reimbursement is sought are

reasonable.

(d) Reimbursement payments approved under this section shall be paid from the state general fund.

As added by P.L.33-1987, SEC.1.

IC 4-15-11-4

Reimbursement of expenses; hearing; questioning of officer or employee

Sec. 4. The budget agency may act on an application of an officer or employee for reimbursement under this chapter without a prior hearing. The budget agency may require an officer or employee seeking reimbursement to answer questions under oath and provide any information in connection with the matters that were the subject of the investigation or charges.

As added by P.L.33-1987, SEC.1.

IC 4-15-11-5

Judicial review

Sec. 5. A decision of the budget agency under this chapter is not subject to judicial review.

As added by P.L.33-1987, SEC.1.

IC 4-15-11-6

Subrogation

Sec. 6. The state has a right of subrogation in the amount of the reimbursement for the proceeds of any monetary judgment recovered by the officer or employee in an action for false arrest, abuse of process, or malicious prosecution or any other proceeding arising out of the matters involved in the criminal charges or the proceedings to enforce a statute defining an infraction.

As added by P.L.33-1987, SEC.1.

IC 4-15-12

Chapter 12. Affirmative Action Office

IC 4-15-12-1

Definitions

Sec. 1. As used in this chapter:

"Affected class" means:

(1) minorities;

(2) women;

(3) persons with disabilities; and

(4) persons forty (40) years of age and older.

"Affirmative action policy" means the state's affirmative action policy established in section 2 of this chapter.

"Persons with disabilities" means all persons who by reason of physical or mental disability are unable to achieve full vocational participation.

"Minorities" means persons identified as Blacks, Native Americans, Asian Americans, and Hispanics.

"Office" means the Indiana affirmative action office created by this chapter.

"State agency" means any department, agency, commission, division, authority, board, bureau, or office of the state under the executive authority of the governor, except any state educational institution.

"Underutilization" means having fewer members of an affected class in a particular job category and classification than would be reasonably expected by their availability in the labor market for that job category and classification.

As added by P.L.12-1983, SEC.11. Amended by P.L.23-1993, SEC.2; P.L.2-2007, SEC.47; P.L.99-2007, SEC.9.

IC 4-15-12-2

Policy of state

Sec. 2. The state is committed to an affirmative action policy that includes the establishment of employment policies and conditions that ensure the elimination of underutilization of qualified members of affected classes and the elimination of discrimination on the basis of race or color, religion, national origin or ancestry, age, sex, and disability.

As added by P.L.12-1983, SEC.11. Amended by P.L.23-1993, SEC.3.

IC 4-15-12-3

Indiana affirmative action office; creation; director's duties

Sec. 3. There is created within the state personnel department the Indiana affirmative action office. The director of the department shall:

(1) appoint an affirmative action officer who shall direct the office; and

(2) employ the additional personnel necessary to carry out the functions of the office, which personnel are governed by IC 4-15-2.2.

As added by P.L.12-1983, SEC.11. Amended by P.L.6-2012, SEC.14.

IC 4-15-12-4
Duties of officer

Sec. 4. In addition to the authority conferred upon the office by other sections of this chapter, the affirmative action officer shall:

(1) establish annually with each state agency reasonable affirmative action goals, determine whether good faith efforts have been made to reach the established goals, and provide technical assistance to each agency in developing the detailed program needed to reach the goals;

(2) assist in training activities by state and other agencies in accordance with the affirmative action policy;

(3) conduct affirmative action training for state agency appointing authorities, personnel officers, and affirmative action expediters; and

(4) provide technical assistance in the area of affirmative action to state agencies for supervisory training and new employee orientation.

As added by P.L.12-1983, SEC.11.

IC 4-15-12-5
State agencies; plans and policy statements; review and approval; expediter

Sec. 5. (a) Each state agency shall annually establish an affirmative action plan to implement the affirmative action policy. The affirmative action officer may permit a state agency with a small number of employees to submit an affirmative action policy statement indicating its commitment to affirmative action, in lieu of establishing a plan. The affirmative action officer shall review and approve or disapprove each plan or statement for effectiveness and compliance with the affirmative action policy.

(b) Each state agency shall designate an affirmative action expediter for the agency to act under the supervision of the appointing authority.

As added by P.L.12-1983, SEC.11.

IC 4-15-12-6
Implementation of policy

Sec. 6. The director of the state personnel department is responsible for the implementation of the affirmative action policy.

As added by P.L.12-1983, SEC.11.

IC 4-15-12-7
Duties of director of state personnel department

Sec. 7. The director of the state personnel department shall:

(1) create an overall affirmative action plan for all state agencies;

(2) make changes in personnel procedures, rules, and programs in support of the affirmative action policy;

(3) provide expeditiously such applicant and employee data and information as may be requested by the affirmative action officer; and

(4) report at least annually to the governor:

(A) the state agencies that have approved affirmative action plans and those that do not have approved affirmative action plans; and

(B) the progress made by state agencies in achieving affirmative action goals and whether that progress is satisfactory or unsatisfactory.

As added by P.L.12-1983, SEC.11.

IC 4-15-12-8
Advisory committee

Sec. 8. (a) There is created the affirmative action advisory committee to assist in the effective implementation of the affirmative action policy. The committee is composed of eight (8) members. The governor shall appoint the members of the committee with the advice of the affirmative action officer. The members serve at the pleasure of the governor.

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

(c) The committee shall select from its membership a chairperson and vice chairperson to serve for one (1) year from the date of selection. They may be reelected at the pleasure of the committee. In any instance where the chairperson or vice chairperson does not serve the chairperson's or vice chairperson's full term, the committee shall select another to serve in the chairperson's or vice chairperson's own right a full term.

(d) The affirmative action advisory committee shall:

(1) provide liaison activities with the affirmative action officer with respect to problems and suggestions concerning the affirmative action policy;

(2) advise the affirmative action officer and the governor of recommended changes in the implementation of the affirmative action policy and improved guidelines for state agency programs; and

(3) advise the governor and the affirmative action officer concerning the effectiveness and status of the total implementation of the affirmative action policy.

(e) The affirmative action advisory committee may review the affirmative action programs of state agencies for effectiveness and improvements.

As added by P.L.12-1983, SEC.11. Amended by P.L.215-2016, SEC.88.

IC 4-15-13

Chapter 13. Wellness Programs

IC 4-15-13-1

"State agency"

Sec. 1. As used in this chapter, "state agency" has the meaning set forth in IC 4-15-2.2-9. However, the term includes the state police department.

As added by P.L.32-1989, SEC.2. Amended by P.L.24-1991, SEC.1; P.L.100-2012, SEC.3.

IC 4-15-13-2

Powers of state agencies

Sec. 2. A state agency may:

(1) develop a wellness program;

(2) implement a wellness program; or

(3) participate in an established wellness program;

for state employees on state property or elsewhere for the purposes described in section 3 of this chapter.

As added by P.L.32-1989, SEC.2.

IC 4-15-13-3

Purposes of program

Sec. 3. A wellness program may be conducted to do any of the following:

(1) Reduce state employee:

(A) absenteeism;

(B) stress; or

(C) health insurance premium costs.

(2) Assist a state employee to improve personal health by establishing a health plan that may include the following:

(A) Weight reduction.

(B) Smoking cessation.

(C) Fitness counseling.

(3) Prevent drug or alcohol abuse by state employees.

(4) Treat and rehabilitate state employees who abuse drugs or alcohol.

As added by P.L.32-1989, SEC.2.

IC 4-15-13-4

Permission for state employees to participate

Sec. 4. A state agency may permit a state employee to participate in a wellness program.

As added by P.L.32-1989, SEC.2.

IC 4-15-14

Chapter 14. Leave for Volunteer Disaster Service

IC 4-15-14-1

"Certified disaster service volunteer" defined

Sec. 1. As used in this chapter, "certified disaster service volunteer" means an individual who has:

(1) completed the necessary training for being; and

(2) been certified as;

a disaster service specialist by the Red Cross.

As added by P.L.38-1995, SEC.1.

IC 4-15-14-2

"Disaster" defined

Sec. 2. As used in this chapter, "disaster" means an event that is designated under the American National Red Cross Regulations and Procedures to be at least as serious as a level III disaster and is proclaimed by the governor as a disaster warranting the leave allowed under this chapter.

As added by P.L.38-1995, SEC.1.

IC 4-15-14-3

"Employee" defined

Sec. 3. As used in this chapter, "employee" means a person who is employed full time by a state agency.

As added by P.L.38-1995, SEC.1.

IC 4-15-14-4

"Red Cross" defined

Sec. 4. As used in this chapter, "Red Cross" means the American National Red Cross created under 36 U.S.C. 1.

As added by P.L.38-1995, SEC.1.

IC 4-15-14-5

"Specialized disaster relief" defined

Sec. 5. As used in this chapter, "specialized disaster relief" means one (1) or more of the following Red Cross service categories in which a certified disaster service volunteer is trained:

(1) Shelter management.

(2) Mass feeding.

(3) Family services.

(4) Health services.

(5) Public assistance inquiries.

(6) Damage assessment.

(7) A support function for services provided under subdivisions (1) through (6).

(8) Any other service performed for the Red Cross for which training is required.

As added by P.L.38-1995, SEC.1.

IC 4-15-14-6
"State agency" defined

Sec. 6. As used in this chapter, "state agency" means an authority, a board, a branch, a bureau, a commission, a committee, a council, a department, a division, an office, an officer, a service, or an instrumentality of the executive, judicial, or legislative branch of state government. The term does not include state supported colleges or universities or the agencies of any municipality or political subdivision of the state.
As added by P.L.38-1995, SEC.1.

IC 4-15-14-7
Employees eligible for leave; compensation and benefits

Sec. 7. (a) An employee of a state agency:

(1) who is a certified disaster service volunteer;
(2) whose specialized disaster relief services are requested by the Red Cross in connection with a disaster; and
(3) who obtains consent from the employee's supervisor or appointing authority;

shall be granted leave from work with pay for not more than fifteen (15) work days in each state fiscal year to participate in specialized disaster relief services.

(b) The state agency shall compensate an employee granted leave under this chapter at the employee's regular rate of pay for the regular work hours during which the employee is absent from work.

(c) An employee granted leave under this chapter does not lose accrued:

(1) seniority;
(2) vacation leave;
(3) sick leave;
(4) personal vacation days;
(5) compensatory time off; or
(6) overtime.

As added by P.L.38-1995, SEC.1.

IC 4-15-14-8
Employer approval of leave

Sec. 8. Upon notification of a disaster by the governor, a state agency shall grant approval for an employee to participate in specialized disaster relief services in Indiana.
As added by P.L.38-1995, SEC.1.

IC 4-15-16

Chapter 16. Leave for Bone Marrow or Organ Donation

IC 4-15-16-1

Repealed

(As added by P.L.94-2002, SEC.1. Repealed by P.L.100-2012, SEC.4.)

IC 4-15-16-2

Repealed

(As added by P.L.94-2002, SEC.1. Repealed by P.L.6-2012, SEC.15.)

IC 4-15-16-3

"Bone marrow"

Sec. 3. As used in this chapter, "bone marrow" means the soft material that fills human bone cavities.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-4

"Employee"

Sec. 4. As used in this chapter, "employee" means a person who is employed full time by a state agency.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-5

"Organ" defined

Sec. 5. As used in this chapter, "organ" means a lung, a kidney, or another organ that requires the continuous circulation of blood to remain useful for purposes of transplantation.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-6

"State agency"

Sec. 6. As used in this chapter, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government. The term does not include the following:

(1) A state educational institution.
(2) A state elected official's office.
(3) The legislative and judicial branches of state government.
(4) The state police department.

As added by P.L.94-2002, SEC.1. Amended by P.L.2-2007, SEC.48.

IC 4-15-16-7

Employee leave for bone marrow donation; verification by physician

Sec. 7. If an employee of a state agency:

(1) requests a leave of absence from the employee's agency so that the employee may serve as a bone marrow donor; and
(2) provides the employee's agency with written verification by a physician that the employee is to serve as a bone marrow donor;

the state agency shall grant the employee a leave of absence of not more than five (5) work days, as determined by the attending physician, during which the employee may serve as a bone marrow donor.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-8

Leave for organ donation; verification by physician

Sec. 8. If an employee of a state agency:

(1) requests a leave of absence from the employee's agency so that the employee may serve as a human organ donor; and
(2) provides the employee's agency with written verification by a physician that the employee is to serve as a human organ donor;

the state agency shall grant the employee a leave of absence of not more than thirty (30) work days, as determined by the attending physician, during which the employee may serve as a human organ donor.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-9

Salary during leave; employee service uninterrupted during leave

Sec. 9. (a) An employee who is granted a leave of absence under this chapter is entitled to receive the employee's regular salary without interruption during the leave of absence.

(b) A leave of absence granted to an employee under this chapter is in addition to vacation days, sick days, personal days, and compensatory time that the employee accrues.

(c) An employee's service shall be considered uninterrupted by a leave of absence under this chapter for purposes of determining the following:

(1) Seniority.
(2) Salary or salary advancement.
(3) Performance awards.
(4) The receipt of a benefit that may be affected by a leave of absence.

As added by P.L.94-2002, SEC.1.

IC 4-15-16-10

Retaliation against employee prohibited

Sec. 10. A state agency may not retaliate against an employee for requesting or obtaining a leave of absence under this chapter.

As added by P.L.94-2002, SEC.1.

IC 4-15-17

Chapter 17. Employee Organizations

IC 4-15-17-1

Application

Sec. 1. (a) Except as provided in subsection (b), this chapter does not apply to the following:

(1) The state police department.

(2) A state educational institution (as defined in IC 21-7-13-32).

(3) A political subdivision (as defined in IC 3-5-2-38).

(b) Sections 8, 9, and 10 of this chapter apply to the state police department.

As added by P.L.229-2011, SEC.57.

IC 4-15-17-2

"Employee organization"

Sec. 2. As used in this chapter, "employee organization" means an entity that works in whole or in part for the common interest of employees.

As added by P.L.229-2011, SEC.57.

IC 4-15-17-3

"State"

Sec. 3. (a) As used in this chapter, "state" means any of the following:

(1) A department, commission, division, authority, board, bureau, or office of state government that exercises any executive powers.

(2) Any statewide elected official.

(3) A body corporate and politic of the state created by state statute.

(b) The term does not include any of the following:

(1) The state police department.

(2) A state educational institution (as defined in IC 21-7-13-32).

(3) A political subdivision (as defined in IC 3-5-2-38).

(4) The ports of Indiana (established by IC 8-10-1-3).

(5) The northern Indiana commuter transportation district (established under IC 8-5-15).

As added by P.L.229-2011, SEC.57. Amended by P.L.121-2016, SEC.3.

IC 4-15-17-4

Prohibition on collective bargaining

Sec. 4. Collective bargaining between the state and employee organizations and strikes by state employees are illegal.

As added by P.L.229-2011, SEC.57.

IC 4-15-17-5

Prohibited state actions

Sec. 5. The state shall not:

(1) recognize a union or any other employee organization as a representative of the employees of the state;

(2) bargain collectively with an employee organization;

(3) enter into a collectively bargained agreement; or

(4) require an employee to join or financially support an employee organization.

As added by P.L.229-2011, SEC.57.

IC 4-15-17-6

Rights of employees

Sec. 6. An employee of the state is entitled to do any of the following in a manner that does not interfere with the performance of the duties of the employee or of another employee of the state or adversely affect the conduct of state business:

(1) Be a member of or otherwise associate with an employee organization.

(2) Consult with others for the common good of employees.

(3) Financially support an employee organization.

(4) Petition for the redress of grievances.

As added by P.L.229-2011, SEC.57.

IC 4-15-17-7

Actions void as against public policy

Sec. 7. Any contract, agreement, settlement, conditions of cooperation, or any other device resulting from negotiations between:

(1) the state; and

(2) an employee organization;

is contrary to public policy and is illegal, unenforceable, void, and of no effect.

As added by P.L.229-2011, SEC.57.

IC 4-15-17-8

Prohibition on strikes

Sec. 8. (a) As used in this section, "strike" means any of the following:

(1) A work stoppage or partial cessation of work.

(2) The abstinence, in whole or in part, from the full, faithful, and proper performance of the employee's duties of employment.

(3) Any other interruption or interference with the activities of the state.

(4) The threat or encouragement of the activities described in subdivisions (1) through (3).

(b) An employee of the state shall not strike.

(c) An approved leave of absence or the unconditional resignation of an employee from employment is not a strike.

As added by P.L.229-2011, SEC.57.

IC 4-15-17-9
Violation; infraction; damages

Sec. 9. A person who violates this chapter commits a Class C infraction. A court may assess damages against a person who violates this chapter, in addition to any civil penalties that are imposed.
As added by P.L.229-2011, SEC.57.

IC 4-15-17-10
Construction; effect of law on state police department and state police alliance

Sec. 10. This chapter does not alter, impair, or negate the existing relationship between the state police department and the Indiana state police alliance.
As added by P.L.229-2011, SEC.57.

IC 4-16

ARTICLE 16. REPEALED

(Repealed by P.L.7-1993, SEC.15.)

IC 4-17

ARTICLE 17. STATE LANDS–ACQUISITION

IC 4-17-1

Repealed

(Repealed by P.L.17-1986, SEC.15.)

IC 4-17-2
Repealed

(Repealed by Acts 1975, P.L.28, SEC.1.)

IC 4-17-3
Repealed

(Repealed by Acts 1975, P.L.28, SEC.1.)

IC 4-17-4
Repealed

(Repealed by P.L.7-1993, SEC.15.)

IC 4-17-5
Repealed

(Repealed by P.L.7-1993, SEC.15.)

IC 4-17-6
Repealed
(Repealed by P.L.7-1993, SEC.15.)

IC 4-17-7
Repealed

(Repealed by P.L.7-1993, SEC.15.)

IC 4-17-8
Repealed

(Repealed by P.L.7-1993, SEC.15.)

IC 4-17-9
Repealed

(Repealed by P.L.7-1993, SEC.15.)

IC 4-17-10
Repealed
(Repealed by P.L.7-1993, SEC.15.)

IC 4-17-11
Repealed
(Repealed by P.L.1-1995, SEC.91.)

IC 4-18

ARTICLE 18. REPEALED

(Repealed by P.L.7-1993, SEC.15.)

IC 4-19

ARTICLE 19. REPEALED

(Repealed by P.L.7-1993, SEC.15.)

ARTICLE 20. REPEALED

(Repealed by P.L.17-1986, SEC.15.)

IC 4-20.5

ARTICLE 20.5. STATE REAL PROPERTY

IC 4-20.5-1

Chapter 1. Definitions

IC 4-20.5-1-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-1-2

"Acquiring agency"

Sec. 2. As used in this chapter, "acquiring agency" refers to an agency that acquires property.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-1-3

"Agency"

Sec. 3. (a) "Agency", except as provided in subsections (b) and (c), refers to any of the following:

(1) An agency, a board, a bureau, a commission, a committee, a department, a division, an instrumentality, an office, or an officer of the state.

(2) An entity that holds title to or possesses property in the name of, or on behalf of, the state.

(b) For purposes of the following statutes, "agency" has the meaning set forth in IC 4-13-1-1:

(1) IC 4-20.5-5.

(2) IC 4-20.5-6.

(c) "Agency" does not include a state educational institution.

As added by P.L.7-1993, SEC.7. Amended by P.L.2-2007, SEC.49.

IC 4-20.5-1-4

"Agency head"

Sec. 4. "Agency head" refers to the individual or the group of individuals primarily responsible by law for the administration of an agency.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-1-5

"Commissioner"

Sec. 5. "Commissioner" refers to the commissioner of the department appointed under IC 4-13-1-2.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-1-6

"Department"

Sec. 6. "Department" refers to the Indiana department of administration created by IC 4-13-1-2.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-1-7

"Instrument"

Sec. 7. "Instrument" refers to any of the following:

(1) A deed.

(2) A lease.

(3) Any other document that transfers property.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-1-8

"Department of transportation"

Sec. 8. "Department of transportation" refers to the Indiana department of transportation established by IC 8-23-2-1.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-1-9

"Land office"

Sec. 9. "Land office" refers to the state land office division of the department of natural resources established by IC 14-18-1.5-1.

As added by P.L.7-1993, SEC.7. Amended by P.L.151-2012, SEC.2.

IC 4-20.5-1-9.1

"Municipality"

Sec. 9.1. "Municipality" means a city or town.

As added by P.L.39-1995, SEC.1.

IC 4-20.5-1-10

"Political subdivision"

Sec. 10. "Political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-1-11

"Property"

Sec. 11. (a) Except as provided in subsection (b), "property" means real property or an interest in real property, including the following:

(1) Any ownership interest in real property.

(2) A leasehold.

(3) A right-of-way.

(4) An easement, including a utility easement.

The term does not include personal property or an interest in personal property.

(b) For purposes of IC 4-20.5-22, "property" means any ownership

interest in real property.
As added by P.L.7-1993, SEC.7. Amended by P.L.182-2009(ss), SEC.56.

IC 4-20.5-1-11.9
Repealed
(As added by P.L.267-1999, SEC.2. Repealed by P.L.2-2007, SEC.390.)

IC 4-20.5-1-12
"State institution"
Sec. 12. "State institution" refers to any of the following:
(1) A state institution (as defined in IC 12-7-2-184).
(2) An institution under the administrative control of the state department of health.
(3) A correctional facility under the administrative control of the department of correction.
As added by P.L.7-1993, SEC.7.

IC 4-20.5-1-13
"Transfer"
Sec. 13. "Transfer" means the conveyance or the leasing of property.
As added by P.L.7-1993, SEC.7.

IC 4-20.5-1-14
"Transferring agency"
Sec. 14. "Transferring agency" refers to an agency that wants to dispose of property in the possession of the agency.
As added by P.L.7-1993, SEC.7.

IC 4-20.5-1.5

Chapter 1.5. Application of Article to Certain Agencies

IC 4-20.5-1.5-1

Applicability of chapter

Sec. 1. This chapter applies to an agency that is an entity that holds title to or possesses property in the name of, or on behalf of, the state.

As added by P.L.267-1999, SEC.3.

IC 4-20.5-1.5-2

Agency performing functions assigned to department

Sec. 2. Notwithstanding another provision of this article, but subject to sections 3 and 4 of this chapter, an agency described in section 1 of this chapter may perform the functions assigned to the department under this article with respect to property the agency holds title to or possesses in the name of, or on behalf of, the state.

As added by P.L.267-1999, SEC.3.

IC 4-20.5-1.5-3

Agency requesting department to perform functions

Sec. 3. An agency described in section 1 of this chapter may request that the department perform any of the functions assigned to the department under this article with respect to property the agency holds title to or possesses in the name of, or on behalf of, the state.

As added by P.L.267-1999, SEC.3.

IC 4-20.5-1.5-4

Applicability of requirements for filing instruments

Sec. 4. The requirements of this article for filing instruments with the state land office apply to an agency described in section 1 of this chapter.

As added by P.L.267-1999, SEC.3.

IC 4-20.5-2
Repealed
(Repealed by P.L.151-2012, SEC.3.)

IC 4-20.5-3

Chapter 3. Acquisition of Property by the State

IC 4-20.5-3-1

Application of chapter

Sec. 1. This chapter does not apply to either of the following:

(1) Acquisition of property under IC 32-24.

(2) Acquisition of property by the Indiana department of transportation. However, this chapter applies to property acquired under IC 8-4.5-5.

As added by P.L.7-1993, SEC.7. Amended by P.L.40-1995, SEC.1; P.L.2-2002, SEC.27.

IC 4-20.5-3-2

Contractual acquisition

Sec. 2. An agency may acquire property from the owner of the property under a contract between the agency and the owner of the property.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-3-3

Repealed

(As added by P.L.7-1993, SEC.7. Repealed by P.L.262-2001, SEC.2.)

IC 4-20.5-3-4

Conveyance; procedure

Sec. 4. (a) The instrument conveying the property must show the state of Indiana as the grantee of the property for the use of the acquiring agency.

(b) Before the instrument is accepted the following must occur:

(1) The land office must approve the legal description contained in the instrument.

(2) The attorney general must approve the transaction and the instrument for form and legality.

(c) The agency shall record the instrument in each county in which the property is located.

(d) After the instrument is recorded, the instrument shall be filed in the land office.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-3-5

Repealed

(Repealed by P.L.1-1995, SEC.91.)

IC 4-20.5-3-6

Auctions

Sec. 6. (a) The commissioner may authorize an agency under

IC 5-22-10-6 to acquire property at an auction.

(b) The commissioner shall provide the agency with the maximum amounts that the agency may:

(1) bid; and

(2) provide as down payment;

in the purchase of property under this section.

As added by P.L.33-1995, SEC.9. Amended by P.L.49-1997, SEC.21.

IC 4-20.5-4

Chapter 4. Acquisition of Property by Eminent Domain

IC 4-20.5-4-1

Compliance with IC 32-24; application of chapter

Sec. 1. (a) An agency that may acquire property under this chapter must comply with IC 32-24.

(b) This chapter does not affect the authority of an agency under another statute to acquire property by eminent domain.

As added by P.L.7-1993, SEC.7. Amended by P.L.2-2002, SEC.28.

IC 4-20.5-4-2

Agencies authorized to acquire property by eminent domain; approval by governor

Sec. 2. (a) This section applies only to the following agencies:

(1) A division (as defined in IC 12-7-2-69(c)), for a state institution under the administrative control of the division.

(2) The state department of health, for an institution under the administrative control of the state department of health.

(3) The department of correction, for a correctional facility under the administrative control of the department of correction.

(b) An agency may acquire property by eminent domain.

(c) Before an agency may acquire property under this section, the governor must approve the acquisition in writing.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-4-3

P.L.7-1993 does not give additional eminent domain powers

Sec. 3. P.L.7-1993 does not give eminent domain powers to an agency that did not have those powers before July 1, 1993.

As added by P.L.220-2011, SEC.39.

IC 4-20.5-5

Chapter 5. Office Space, Storage Space, and Other Facilities

IC 4-20.5-5-1

"Agency" defined

Sec. 1. As used in this chapter, "agency" refers only to a state agency (as defined in IC 4-13-1-1).

As added by P.L.7-1993, SEC.7.

IC 4-20.5-5-2

"Facility" defined

Sec. 2. As used in this chapter, "facility" includes any of the following:

(1) Office space.

(2) Storage space.

(3) A parking garage or lot.

(4) Other property that can be used by an agency.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-5-3

Duties of department

Sec. 3. The department shall do the following:

(1) Establish uniform standards for determining the amount and type of facilities needed by agencies.

(2) Assign facilities in or on property owned or leased by the state.

(3) With the approval of the governor, lease facilities for the use of agencies.

(4) Prepare and make available for public inspection an annual report of facilities leased for agencies in each county.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-5-4

Standards for determining amount and type of facilities

Sec. 4. The standards established under section 3(1) of this chapter must do the following:

(1) Encourage increased efficiency of agencies through the grouping of interrelated agencies.

(2) Facilitate public access to state government.

(3) Ensure that state offices will be centrally located in urban areas, unless such a location would not serve the interests of accessibility, economy, and efficiency.

(4) Establish the amount and type of facilities needed for different categories of employees, equipment, and materials.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-5-5

Needs request

Sec. 5. An agency that needs facilities must submit a description of its needs to the department.
As added by P.L.7-1993, SEC.7.

IC 4-20.5-5-6
Satisfaction of request with facilities already owned or leased

Sec. 6. Whenever the department approves all or part of an agency's request for facilities, the department shall determine whether the agency's needs can be met by assigning that agency facilities in or on property already owned or leased by the state. If the agency's needs can be met by such an assignment, the department shall make the assignment.
As added by P.L.7-1993, SEC.7.

IC 4-20.5-5-7
Newly leased facilities; lease conditions

Sec. 7. (a) If an agency's needs cannot be met under section 6 of this chapter, the department may approve the leasing of facilities for the agency or lease facilities in its own name and assign them to the agency. A lease approved under this subsection must satisfy all the following:

(1) Must be approved under IC 4-13-2-14.1.

(2) May not be for a term of more than four (4) years.

(3) May provide for the state to make improvements on the leased property if authorized by the public works division of the department.

(4) Notwithstanding IC 4-13-2-20, may provide for payment to the lessor at any time during the term of the lease for leasehold improvements made by the lessor.

(b) Notwithstanding subsection (a)(2), the following apply:

(1) A lease entered into under this section may be renewed for successive terms.

(2) The term of a lease may be for more than four (4) years, but not more than ten (10) years, if the commissioner makes a written determination stating the reason that it is in the best interests of the state to rent property for a term of more than four (4) years.

As added by P.L.7-1993, SEC.7. Amended by P.L.267-1999, SEC.4.

IC 4-20.5-6

Chapter 6. Property Management and Security

IC 4-20.5-6-1

"Agency" defined

Sec. 1. As used in this chapter, "agency" refers only to a state agency (as defined in IC 4-13-1-1).

As added by P.L.7-1993, SEC.7.

IC 4-20.5-6-2

Duties of department

Sec. 2. (a) This section does not apply to enforcement matters that are the responsibility of the state police department under IC 10-11-2-28.

(b) The department shall maintain, equip, and operate the following:

(1) The state capitol building.

(2) The office buildings and other property owned or leased by the state for the use of an agency.

As added by P.L.7-1993, SEC.7. Amended by P.L.123-2002, SEC.5; P.L.2-2003, SEC.16.

IC 4-20.5-6-3

Periodic inspection, appraisal, and inventory; reports

Sec. 3. The department shall provide for the periodic inspection, appraisal, and inventory of all of the state's property, and shall require reports from agencies concerning the property in their custody.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-6-4

Parking facilities; fees

Sec. 4. (a) The department shall maintain and operate all state parking facilities.

(b) The department shall assign parking privileges in state parking facilities to state officers and employees, and it may assign such privileges to other persons.

(c) The department may by rule establish schedules for state parking facilities under which fees are charged for parking privileges on a daily, weekly, monthly, or yearly basis. Such a schedule must be established so that the fees collected under it do not exceed the cost of providing, maintaining, and operating the facilities to which it applies.

(d) Before a rule is adopted under subsection (c), the department shall submit the proposed rule to the budget agency for approval. The budget agency may refer the proposed rule to the legislative division of the budget committee for an advisory recommendation. If the rule is referred, the legislative division of the budget committee shall do

the following:

(1) Hold hearings.

(2) Exercise any powers under IC 4-12-1-11.

(3) Make an advisory recommendation to the budget agency.

(e) If the department establishes schedules under subsection (c), it shall collect the fees and deposit them in the state general fund or as directed by the budget director.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-6-5

Custodian of state buildings and grounds

Sec. 5. Except for enforcement matters that are the responsibility of the state police department under IC 10-11-2-28, the commissioner is the custodian of state buildings and grounds.

As added by P.L.7-1993, SEC.7. Amended by P.L.13-1994, SEC.2; P.L.123-2002, SEC.6; P.L.2-2003, SEC.17.

IC 4-20.5-6-6

Repealed

(As added by P.L.7-1993, SEC.7. Repealed by P.L.123-2002, SEC.51.)

IC 4-20.5-6-7

Rules

Sec. 7. The department may adopt rules under IC 4-22-2 to govern the protection and custody of state property, except for enforcement matters that are the responsibility of the state police department under IC 10-11-2-28.

As added by P.L.7-1993, SEC.7. Amended by P.L.123-2002, SEC.7; P.L.2-2003, SEC.18.

IC 4-20.5-6-8

Regulation of state capitol vehicular and pedestrian traffic and parking on or adjacent to property controlled by the state; exception

Sec. 8. (a) This section does not apply to enforcement matters that are the responsibility of the state police department under IC 10-11-2-28.

(b) The commissioner may regulate:

(1) the traffic and parking of motor vehicles, bicycles, or other vehicles; and

(2) the traffic of pedestrians;

on the streets, roads, paths, and grounds of real property controlled by the state through the department in and around the state capitol, office buildings, parking garages, and adjoining state controlled property.

(c) Rules adopted under subsection (b) may include the following:

(1) Provisions governing the registration, speed, weight,

operation, parking, times, places, and use of motor vehicles, bicycles, and other vehicles.

(2) Provisions governing the traffic of pedestrians.

(3) Provisions prescribing the assessment and collection of civil penalties for the violation of rules adopted by the commissioner. Penalties may include the following:

(A) The imposition of reasonable charges.

(B) The removal and impounding (at the expense of the violator) of vehicles that are operated or parked in violation of rules adopted by the commissioner.

(C) The denial of permission to operate a vehicle on the property in and around the state capitol building, office buildings, parking garages, and adjoining state controlled property.

(d) Rules adopted under this section must include provisions for an administrative appeal when a civil penalty is imposed under the rules. A person aggrieved by a final disposition of an appeal by the department may appeal the disposition to a court of jurisdiction. The attorney general may enforce a civil penalty imposed under this section by filing an appropriate action in a court of jurisdiction.

(e) This section does not limit or restrict the powers of any other governmental authority having jurisdiction over public streets, roads, alleys, or ways.

As added by P.L.13-1994, SEC.3. Amended by P.L.172-1999, SEC.9; P.L.123-2002, SEC.8; P.L.2-2003, SEC.19.

IC 4-20.5-6-9
Repealed

(As added by P.L.244-2005, SEC.1 and P.L.11-2005, SEC.2. Repealed by P.L.1-2006, SEC.588.)

IC 4-20.5-6-9.2
Code Adam safety protocol

Sec. 9.2. (a) The department shall adopt rules under IC 4-22-2 to establish and implement a "Code Adam" safety protocol at the buildings that:

(1) the department:

(A) maintains;

(B) equips; or

(C) operates;

under section 2(b) of this chapter; and

(2) are open to the public.

(b) Rules adopted under this section must include the following:

(1) Procedures for a state employee to follow when a parent, teacher, or guardian notifies the state employee that a child is lost or missing. The procedures must:

(A) set forth the information that the state employee is to obtain from the parent, teacher, or guardian concerning the

description of the lost or missing child; and

(B) identify the person in the department whom the state employee is to contact about the lost or missing child.

(2) Procedures for the department contact person identified under subdivision (1)(B) to follow after being notified of the lost or missing child.

(3) Procedures for department employees to follow in searching the building in which the lost or missing child is presumed to be.

(4) Procedures under which department employees will contact law enforcement if the lost or missing child is not found.

As added by P.L.1-2006, SEC.68.

IC 4-20.5-6-9.4
Repealed

(As added by P.L.1-2006, SEC.69. Repealed by P.L.113-2014, SEC.4.)

IC 4-20.5-6-10
"Robert D. Orr Plaza"

Sec. 10. (a) As used in this section, "real property" refers to the real property located in Indianapolis bounded by the following:

(1) The east boundary of West Street on the west.

(2) The south face of the state office building located at 100 N. Senate Avenue on the north.

(3) The west boundary of Square 48 and Square 53 of the Indianapolis Donation on the east.

(4) The north face of the state office building located along Washington Street on the south.

(b) The real property shall be known as "Robert D. Orr Plaza".

(c) The department shall install and maintain the following:

(1) Appropriate public signage on and around the real property that displays the name of the real property.

(2) A plaque located at an appropriate spot on the real property describing the highlights of the life and career of Robert D. Orr.

As added by P.L.175-2005, SEC.1.

IC 4-20.5-6-11
Repealed

(As added by P.L.29-2007, SEC.1. Repealed by P.L.121-2016, SEC.4.)

IC 4-20.5-6-12
Repealed

(As added by P.L.29-2007, SEC.2. Repealed by P.L.121-2016, SEC.5.)

IC 4-20.5-7

Chapter 7. Disposition of Property

IC 4-20.5-7-1

Application of chapter

Sec. 1. (a) This chapter applies to the disposition of state property, with or without consideration.

(b) This chapter does not authorize the transfer of property held in trust by the state unless the transfer is consistent with the terms of the trust.

(c) Except as provided in IC 8-23-7-15, this chapter does not apply to the sale of state property, including structures to be removed from state property, under the control of the department of transportation.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-2

Transferring agency head; duties

Sec. 2. The agency head of a transferring agency must do the following:

(1) Find that the property is surplus to the needs of the agency.

(2) Notify the department that the agency wants to transfer the property.

(3) Provide the details of the proposed transfer as required by the department.

(4) Submit a request to the budget agency, in writing, that the governor approve the transfer of the property.

Subdivisions (1) and (4) do not apply to a lease of state property.

As added by P.L.7-1993, SEC.7. Amended by P.L.246-2005, SEC.41.

IC 4-20.5-7-2.5

Repealed

(As added by P.L.244-2005, SEC.2. Repealed by P.L.113-2014, SEC.5.)

IC 4-20.5-7-3

Verifications by land offices

Sec. 3. The land office must verify the following:

(1) That the state holds title to the property.

(2) That the description of the property is accurate and appropriate.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-4

Survey

Sec. 4. (a) The commissioner may order a survey of the property if the land office finds a discrepancy between:

(1) the description of the property in the instrument by which

the state acquired title to the property; and
(2) information contained in the land office.
(b) The survey plat and field notes of a survey conducted under this section shall be filed in the land office.
(c) The transferring agency shall pay the cost of the survey made under this section.
As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-4.5
Effect of deeds of certain state property; legalization
Sec. 4.5. (a) This section applies to a deed executed under:
(1) Acts 1973, P.L.344;
(2) Acts 1974, P.L.159;
(3) Acts 1977, P.L.345; or
(4) P.L.202-1988, SECTION 1;
containing a legal description of property to be conveyed by the state that does not conform with the description of the property set forth in the statute.
(b) A deed described by this section:
(1) conveys the property described in the deed; and
(2) is legalized.
As added by P.L.220-2011, SEC.40.

IC 4-20.5-7-4.6
Effect of deed of certain state property; legalization
Sec. 4.6. (a) This section applies to a deed executed and accepted under Acts 1978, P.L.156, SECTION 1.
(b) A deed described by this section that has not been accepted by each of the officials required to accept the deed:
(1) conveys the property described in the deed; and
(2) is legalized.
As added by P.L.220-2011, SEC.41.

IC 4-20.5-7-4.7
References to Brothers of Saint Joseph in record filed with or created by state or local government
Sec. 4.7. A reference to the Brothers of Saint Joseph in a record filed with or created by the state or a political subdivision is a reference to the Brothers of Holy Cross, Inc.
As added by P.L.20-2010, SEC.2.

IC 4-20.5-7-5
Environmental audit
Sec. 5. (a) The commissioner shall order that an environmental audit be conducted if either of the following applies:
(1) There is reason to believe the property is contaminated.
(2) An environmental audit is required by law.
(b) An environmental audit must be conducted by a qualified

person.

(c) The transferring agency shall pay the cost of an environmental audit performed under this section.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-6

Notice of proposed transfer

Sec. 6. The department shall notify the following of the proposed transfer:

(1) Other state agencies.

(2) State educational institutions.

(3) The division of historic preservation and archeology of the department of natural resources as required by IC 14-21-1-14.

As added by P.L.7-1993, SEC.7. Amended by P.L.1-1995, SEC.35; P.L.267-1999, SEC.5.

IC 4-20.5-7-7

Transfer of property between agencies or educational institutions

Sec. 7. (a) Surplus property may, under the policies prescribed by the budget agency, be transferred to another agency or a state educational institution.

(b) The policies of the budget agency must include a requirement that the agency head of the accepting agency or the state educational institution do the following:

(1) Find that the property is necessary or convenient to the accepting agency's or state educational institution's use or purpose.

(2) Request, in writing, approval of the governor to transfer possession of the property from the transferring agency.

(c) With the approval of the budget agency, the accepting agency or state educational institution may transfer funds to the transferring agency in consideration of the transfer.

(d) The offer to the transferring agency must remain open for thirty (30) days after the offer was made. If an offer has not been rejected or accepted by the agency within thirty (30) days, the department may dispose of the property as otherwise permitted under this chapter.

As added by P.L.7-1993, SEC.7. Amended by P.L.39-1995, SEC.2; P.L.267-1999, SEC.6; P.L.246-2005, SEC.42.

IC 4-20.5-7-7.1

Transfer of property between agencies or educational institutions; notice of availability; disposal of property

Sec. 7.1. (a) At the time the department notifies state agencies and state educational institutions of the availability of the property, the department:

(1) shall notify:

(A) the municipality within which the property is located;

and

(B) the county within which the property is located; and

(2) may notify any other political subdivision within which the property is located;

of the availability of the property.

(b) If the state does not receive a response from a municipality, county, or other political subdivision within thirty (30) days, the state may dispose of the property as provided for under this chapter.

As added by P.L.39-1995, SEC.3. Amended by P.L.267-1999, SEC.7.

IC 4-20.5-7-7.3

Priority for transfers

Sec. 7.3. If more than one (1) state agency, state educational institution, or political subdivision expresses interest in acquiring surplus property, the department shall give priority for transfer of the property in the following order:

(1) To a state agency.

(2) To a state educational institution.

(3) To a political subdivision.

As added by P.L.267-1999, SEC.8.

IC 4-20.5-7-8

Transfer to political subdivision or public utility or sale

Sec. 8. If the commissioner finds that another agency cannot use the property, the property may be:

(1) transferred to a political subdivision under section 10 of this chapter;

(2) transferred to a public utility under section 10.5 of this chapter; or

(3) sold under sections 11 through 16 of this chapter.

As added by P.L.7-1993, SEC.7. Amended by P.L.33-1995, SEC.10.

IC 4-20.5-7-9

Appraisal

Sec. 9. (a) This section applies only to the following:

(1) The transfer of property to a political subdivision under section 10 of this chapter.

(2) The sale of property under sections 11 through 16 of this chapter.

(b) This section does not apply under the following circumstances:

(1) The lease of property for a term of four (4) years or less.

(2) If the commissioner determines that the value of the property is likely to be less than either of the following:

(A) Five thousand dollars ($5,000).

(B) An amount established by the department in rules adopted under IC 4-22-2.

(c) The property shall be appraised by an appraiser who has the

qualifications determined by the commissioner.

(d) The transferring agency shall pay for the cost of the appraisal.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-10

Transfer to political subdivision by gift or sale; preference to political subdivisions

Sec. 10. (a) Section 15 of this chapter does not apply to the transfer of property to a political subdivision under this section.

(b) State property may be transferred to a political subdivision.

(c) The property may be transferred to the political subdivision as a gift or for the price as the state and the political subdivision determine.

(d) The state shall give preference to political subdivision requests for the property.

As added by P.L.7-1993, SEC.7. Amended by P.L.39-1995, SEC.4.

IC 4-20.5-7-10.3

Appraisal of property transferred to public utility

Sec. 10.3. (a) This section applies only to the transfer of property to a public utility under section 10.5 of this chapter.

(b) If property transferred under this section requires an appraisal, the commissioner may do one (1) of the following:

(1) Require the public utility to pay for the appraisal.

(2) Accept the public utility's appraisal.

(c) An appraisal under this section must be performed by an appraiser who has the qualifications required by the commissioner.

(d) The public utility shall pay for the cost of the appraisal and for any other costs involved in the transfer.

As added by P.L.33-1995, SEC.11.

IC 4-20.5-7-10.5

Transfer to public utility; consideration

Sec. 10.5. (a) The commissioner may, at the request of an agency head, transfer state property to a public utility (as defined in IC 8-1-2-1(a)) for the purpose of a right-of-way.

(b) Consideration for the transfer of property under subsection (a) is as follows:

(1) If the transfer is approved by the governor under section 15 of this chapter and the state will benefit from the transfer, the public utility shall pay only the costs, as determined by the commissioner, involved in the transfer of the property.

(2) For property not described in subdivision (1), the public utility shall pay the appraised value of the property determined under section 10.3 of this chapter in addition to the costs involved in the transfer of the property.

As added by P.L.33-1995, SEC.12.

IC 4-20.5-7-10.7

Transfer of property to person for property of like value

Sec. 10.7. (a) The department may transfer state property to a person in exchange for property of like value transferred by the person to the state:

(1) to:

(A) settle a dispute relating to either or both of the properties; or

(B) improve:

(i) the state's ability to manage state property; or

(ii) access to state property; and

(2) without offering to transfer the state property:

(A) to state agencies, state educational institutions, or a political subdivision under this chapter; or

(B) after a sale of the property under this chapter.

(b) The department must establish that properties exchanged under this section are of like value through appraisals or other means approved by the commissioner.

As added by P.L.267-1999, SEC.9. Amended by P.L.33-2011, SEC.1.

IC 4-20.5-7-11

Sale of abandoned railroad corridor property; exception

Sec. 11. (a) Except as provided in subsection (f), the department may sell the property through any of the following:

(1) Competitive bids.

(2) By auction.

(3) By request for proposals.

(b) The department may enter into negotiations under this section with the respondent who has made the highest offer only if the negotiations are documented. The negotiation documentation must include the following:

(1) A log of the date and time of each meeting with a respondent. The log must include the identity of the respondent.

(2) A description of the nature of all communications with each respondent.

(3) Subject to subsection (d), a copy of all written communications, including electronic communications, with each respondent.

(c) Except as provided in subsection (d), the contents of the contract file concerning a sale under this section are subject to public inspection.

(d) Proprietary information included with a response, including trade secrets, manufacturing processes, and financial information that was not required to be made available for public inspection by the terms of the invitation for bids, live auction, or request for proposals, is not subject to public inspection.

(e) The negotiation documentation is subject to public inspection under this section only after the transfer of the property.

(f) If the department owns abandoned railroad corridor property and the abandoned railroad corridor property:

(1) has a value of not more than ten thousand dollars ($10,000); and

(2) abuts the property of an adjacent property owner;

then the department may sell the abandoned railroad corridor property to the adjacent property owner at the value of the appraised property.

As added by P.L.7-1993, SEC.7. Amended by P.L.33-2011, SEC.2; P.L.155-2015, SEC.2.

IC 4-20.5-7-12

Notice of sale

Sec. 12. (a) The department must give notice of a sale as required by this section.

(b) Notice of a sale must satisfy the following:

(1) The notice must state the time, place, and terms of the sale.

(2) The notice must be published as follows:

(A) In accordance with IC 5-3.

(B) In every county in which the property is located.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-13

Bid procedure

Sec. 13. (a) Bids shall be opened publicly in the presence of at least one (1) witness at the time and place designated in the notice of the sale.

(b) Bids shall be:

(1) unconditionally accepted without alteration or correction, except as provided in subsections (e) through (g); and

(2) evaluated based on the requirements set forth in the notice of sale.

(c) Subject to section 15 of this chapter, the property shall be sold with reasonable promptness to the bidder who submits the highest bid and whose bid meets the requirements and criteria set forth in the notice of sale.

(d) The department shall permit correction or withdrawal of inadvertently erroneous bids before or after bids are opened.

(e) If a bidder inserts terms not specified in the notice of sale, the department may do any of the following:

(1) Find the bidder to be nonresponsive.

(2) Permit the bidder to withdraw the additional terms to meet the requirements and criteria set forth in the notice of sale.

(3) Subject to subsections (f)(1) and (h)(2), accept any of the proposed terms.

(f) The department may not:

(1) accept proposed additional terms; or

(2) permit a change in a bid after bids are opened;

prejudicial to the interest of the state or fair competition.

(g) The department may cancel a sale only as permitted in either of the following:

(1) As stated in the notice of the sale.

(2) Under rules adopted by the department under IC 4-22-2.

(h) The commissioner must make a written determination supporting any of the following:

(1) Permitting the correction or withdrawal of a bid.

(2) A decision of the department to accept proposed additional terms under subsection (e)(3).

(3) Canceling the sale.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-14

Auction procedure

Sec. 14. (a) As used in this section, "auctioneer" refers to an auctioneer licensed under IC 25-6.1.

(b) Instead of taking bids, the department may engage an auctioneer to advertise the sale and to conduct a public auction of the property.

(c) The advertising by an auctioneer under this section must include a detailed description of the property to be sold.

(d) In addition to advertising given to the sale by an auctioneer, notice of the sale must be given as required by section 12 of this chapter.

(e) The transferring agency shall pay the costs of an auction conducted under this section.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-15

Sale at less than appraised value; grant of easement

Sec. 15. (a) Except as provided in subsection (b) and section 10 of this chapter, the governor must approve a sale of the property for a price less than the appraised value of the property.

(b) The department may grant an easement in property without:

(1) money consideration; and

(2) the approval of the governor.

As added by P.L.7-1993, SEC.7. Amended by P.L.267-1999, SEC.10.

IC 4-20.5-7-16

Cash sale; proceeds depository

Sec. 16. (a) A sale of property must be made for cash.

(b) Subject to Article 8, Section 2 of the Constitution of the State of Indiana, the proceeds of a sale, after payment of expenses, shall be deposited in the state treasury and credited to the fund from which the property was purchased.

(c) If the fund from which the property was purchased cannot be determined, the proceeds shall be deposited in the fund designated by

the budget agency.

(d) The proceeds of the sale are subject to allotment by the budget agency with the approval of the governor.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-16.5

Proceeds credited to separate account for purchase of other real property

Sec. 16.5. The proceeds from the sale of property subject to the management or control of the department of natural resources shall be credited to a separate account to be used for the purchase of other real property to be managed or controlled by the department of natural resources.

As added by P.L.49-1997, SEC.22.

IC 4-20.5-7-17

Instrument of transfer; signatures

Sec. 17. (a) If the property is transferred, an instrument shall be prepared as directed by the department.

(b) The instrument prepared under subsection (a) must be signed by the following:

(1) The agency head of the transferring agency or a designee of the agency head.

(2) If the transfer involves two (2) agencies, the agency head of the accepting agency or a designee of the agency head.

(3) The governor or a designee of the governor.

(4) The attorney general for form and compliance with this chapter.

(c) The signatures of the individuals listed in subsection (b)(1) through (b)(3) must be acknowledged.

(d) An individual required by this section to sign or approve the instrument may sign or approve the instrument after the agency for whom the individual is signing or approving has completed all actions of the agency required under this chapter.

(e) The authority of a designee signing the instrument under subsection (b) must be indicated in writing and filed with the department.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-18

Recordation and filing

Sec. 18. (a) Except as provided in subsection (b), this section applies to any transfer under this chapter.

(b) This section does not apply if the instrument is a lease for a term of four (4) years or less.

(c) The instrument shall be recorded in each county in which the property is located.

(d) Except as provided in subsection (e), a copy of the instrument

shall be filed in the land office.

(e) If the transfer involves two (2) agencies, the instrument shall also be filed in the land office.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-19

Rules

Sec. 19. The department may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-7-20

Old Pathology Building and Dead House at Central State Hospital; leases; use of real estate; conditions of long term lease

Sec. 20. (a) As used in this section, "real estate and the improvements" refers to the real estate and the improvements generally known as the Old Pathology Building and the Dead House that are held by Central State Hospital and that are described as follows:

> Part of the Southwest Quarter of Section 4, Township 15 North, Range 3 East, Marion County, Indiana, and being more particularly described as follows: Beginning at a point on the North line of said quarter section being North 88 degrees 20 minutes 04 seconds East (assumed bearing) 615.07 feet from the Northwest corner thereof; thence continue North 88 degrees 20 minutes 04 seconds East along said North line 298.15 feet; thence South 0 degrees 25 minutes 14 seconds West 986.30 feet; thence North 88 degrees 39 minutes 18 seconds West 184.05 feet; thence North 6 degrees 15 minutes 40 seconds West 979.13 feet to the point of beginning and containing 5.423 acres, more or less. Subject to right-of-way for Vermont Street off the entire North side thereof and all other legal easements and rights-of-way of record. Also subject to and together with an easement for ingress and egress being a part of the Southwest Quarter of Section 4, Township 15 North, Range 3 East, Marion County, Indiana, and being more particularly described as follows: Beginning at a point on the North line of said quarter section being North 88 degrees 20 minutes 04 seconds East (assumed bearing) 823.22 feet from the Northwest corner thereof; thence continue North 88 degrees 20 minutes 04 seconds East along said North line 90.00 feet; thence South 0 degrees 25 minutes 14 seconds West 61.00 feet; thence South 57 degrees 55 minutes 21 seconds West 71.07 feet; thence South 0 degrees 25 minutes 14 seconds West 886.15 feet; thence North 88 degrees 39 minutes 18 seconds West 30.00 feet; thence North 0 degrees 25 minutes 14 seconds East 368.57 feet; thence North 67 degrees 14 minutes 53 seconds West 155.70 feet; thence North 6 degrees 15 minutes 40 seconds

West 25.00 feet; thence South 75 degrees 48 minutes 59 seconds East 151.27 feet; thence North 0 degrees 25 minutes 14 seconds East 565.00 feet to the point of beginning and containing in said easement 0.905 acres, more or less, subject to all legal easements and rights-of-way of record.

(b) Notwithstanding any other law, the appropriate officials, acting on behalf and in the name of the state, shall enter into a lease with the Indiana Medical History Museum, Inc., or its successor, at the sole option of the Indiana Medical History Museum, Inc., at the expiration of the lease described in P.L.245-1986, SECTION 2 (notwithstanding its repeal) or at any time during the lease described in P.L.245-1986, SECTION 2 (notwithstanding its repeal), leasing the real estate and the improvements.

(c) The Indiana Medical History Museum, Inc., shall use the real estate and the improvements for public charitable, educational, scientific, and general museum purposes.

(d) The lease described in subsection (b) must:

(1) be for a period of ninety-nine (99) years at a rental of one dollar ($1) per year with the option to renew the lease for an additional ninety-nine (99) years at a rental of one dollar ($1) per year;

(2) allow the Indiana Medical History Museum, Inc., to purchase services from Central State Hospital at the cost of those services to Central State Hospital (the lease must provide a method of determining these costs; however, the method may be amended with the consent of the parties);

(3) provide that the Indiana Medical History Museum, Inc., is responsible for the maintenance of the real estate and the improvements;

(4) allow the Indiana Medical History Museum, Inc., to relocate the improvements generally known as the Old Pathology Building and the Dead House to a new site that is generally available to the people of Indiana;

(5) require the Indiana Medical History Museum, Inc., to take title to any improvement described in subdivision (4) that is transferred to a site that is not owned by the state or an instrumentality of the state, subject to a covenant, enforceable by the state, restricting the use of the improvement to a charitable, educational, scientific, and general museum purpose;

(6) provide for the termination of the lease with respect to any improvement described in subdivision (4) that is moved to a site that is not owned by the state or an instrumentality of the state;

(7) provide for the termination of the lease with respect to the real estate described in subsection (a) after all improvements described in subdivision (4) are transferred to another site, regardless of whether the site is owned by the state or an instrumentality of the state;

(8) allow the state to terminate the lease if any of the real estate

and improvements are subleased without the consent of the state or used for a purpose other than a public charitable, educational, scientific, or general museum purpose; and

(9) permit amendments at any time with the consent of all parties to the lease.

As added by P.L.20-2010, SEC.3. Amended by P.L.220-2011, SEC.42.

IC 4-20.5-7-21

State lease agreement with city of Madison for heritage trail; staked survey; use of trail

Sec. 21. (a) As used in this section, "city" refers to the city of Madison, Indiana.

(b) As used in this section, "heritage trail" refers to a multiple purpose public use trail.

(c) As used in this section, "hospital" refers to the Madison State Hospital or its successor.

(d) As used in this section, "real estate" refers to the real estate and improvements that are:

(1) held by the hospital;

(2) located on the grounds of the hospital; and

(3) designated as a heritage trail by agreement of the city and the hospital.

(e) The city, at its expense, shall have a staked survey performed and prepare a legal description of the real estate that meets the approval of the governor and the commissioner of the Indiana department of administration.

(f) The governor and the commissioner of the Indiana department of administration are authorized and directed on behalf of and in the name of the state of Indiana to enter into a lease agreement with the city that contains the following:

(1) A lease of the real estate surveyed and described in subsection (e) to the city for thirty (30) years at a rental of one dollar ($1) per year.

(2) A provision for maintenance of the heritage trail by the city or the hospital.

(3) A statement that the city may purchase services from the hospital at the cost of those services to the hospital, including the method of determining the costs. The method of determining costs may be amended with the consent of all parties to the lease.

(4) An easement to the real estate to allow visitor access to the real estate. The easement may be amended with the consent of all parties to the lease.

(5) A statement that the state may terminate the lease if any part of the real estate is:

(A) subleased without the consent of the state; or

(B) used for a purpose other than a heritage trail.

(g) The city shall use the real estate leased under this section for heritage trail purposes.

As added by P.L.20-2010, SEC.4.

IC 4-20.5-8
Repealed

(Repealed by P.L.1-1995, SEC.91.)

IC 4-20.5-9

Chapter 9. Acquisition of Property by Treasurer of State on Account of Debt Owed the State or a State Trust Fund

IC 4-20.5-9-1

Application of chapter

Sec. 1. This chapter applies only to property sold at a commissioner's, judicial, or sheriff's sale on a judgment in favor of the state on account of a debt due the state or a trust fund held by the state.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-9-2

Purchase by treasurer for use of state

Sec. 2. The treasurer of state may purchase the property for the use of the state or a specified fund of the state under IC 4-20.5-3.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-9-3

Sale of property purchased under chapter

Sec. 3. The treasurer of state may sell property purchased under this chapter under IC 4-20.5-7.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-10

Chapter 10. Acquisition and Use of Property for Sewage Disposal Purposes by Certain Agencies

IC 4-20.5-10-1

Application of chapter

Sec. 1. This chapter applies only to the following agencies:

(1) A division (as defined in IC 12-7-2-69(c)), for a state institution under the administrative control of the division.

(2) The state department of health, for an institution under the administrative control of the state department of health.

(3) The department of correction, for a correctional facility under the administrative control of the department of correction.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-10-2

Sewer right-of-way purchase or lease; connection to political subdivision sewer; contract

Sec. 2. (a) An agency may purchase or lease a right-of-way for a sewer leading from a state institution under the administrative control of the agency to a suitable outlet over adjacent property.

(b) IC 4-20.5-3 applies to a purchase under this section.

(c) A political subdivision may permit drainage and sewage from the sewer line to be connected to the sewers of the political subdivision upon the terms agreed upon by the political subdivision and the agency.

(d) A contract entered into under subsection (c) must be approved under IC 4-13-2-14.1.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-10-3

Purchase or lease of property for the disposal of sewage; construction of disposal systems

Sec. 3. (a) An agency may purchase or lease property for the use of a state institution under the administrative control of the agency for the disposal of sewage.

(b) An agency may not purchase more than eighty (80) acres under this section.

(c) An agency may construct on the property any of the following to dispose of the sewage:

(1) Reservoirs.

(2) A drainage system.

(3) Any other sewage disposal system sufficient to dispose of the sewage.

(d) An agency may proceed under IC 32-24 to acquire property under this section.

As added by P.L.7-1993, SEC.7. Amended by P.L.2-2002, SEC.29.

IC 4-20.5-10-4

Property acquisition; statutory authority

Sec. 4. An agency may acquire property for purposes of this chapter under either of the following:

(1) IC 4-20.5-3.

(2) IC 32-24.

As added by P.L.7-1993, SEC.7. Amended by P.L.2-2002, SEC.30.

IC 4-20.5-11

Chapter 11. Acquisition and Use of Streets and Highways by Certain Agencies

IC 4-20.5-11-1

Application of chapter

Sec. 1. This chapter applies only to the following agencies:

(1) A division (as defined in IC 12-7-2-69(c)), for a state institution under the administrative control of the division.

(2) The state department of health, for an institution under the administrative control of the state department of health.

(3) The department of correction, for a correctional facility under the administrative control of the department of correction.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-2

"Road" defined

Sec. 2. As used in this chapter, "road" includes an alley, a public highway, and a street.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-3

Authority to acquire road

Sec. 3. An agency may acquire a road abutting, adjacent to, or running through a state institution under the administrative control of the agency under this chapter.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-4

Acquisition under IC 32-24

Sec. 4. (a) IC 32-24 applies to acquisition of a road under this chapter.

(b) The owners of all property immediately abutting that part of the road the agency wants to acquire must be made defendants to an action filed under IC 32-24.

As added by P.L.7-1993, SEC.7. Amended by P.L.2-2002, SEC.31.

IC 4-20.5-11-5

Damages of abutting owners

Sec. 5. A defendant is entitled only to the special damages that the defendant will sustain because of the following:

(1) Loss of ingress and egress to and from the defendant's abutting property.

(2) Any fee interest the defendant may have in the road and other property to be taken.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-6

Replacement road

Sec. 6. (a) If the court finds that public necessity requires that another road be established to take the place of the road acquired by the agency, the court shall order that before the road is acquired by the agency, the agency shall provide for construction of a similar road near the road taken.

(b) If the road to be acquired by the agency is located within a city or a town, the city or the town shall be made a defendant in the action only for the purpose of determining the necessity for establishing a road to replace the road acquired by the agency.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-7

Acquisition costs; appropriation

Sec. 7. All costs of acquisition of the road, including the costs of construction of a replacement road ordered under section 6 of this chapter, are appropriated from the state general fund.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-11-8

Condemnation proceeding costs

Sec. 8. (a) A defendant shall pay the cost of the action against the defendant if the award made by the court is less than ten percent (10%) more than the final offer made to the defendant by the state.

(b) If subsection (a) does not apply to a defendant, the state shall pay the cost of the action against the defendant.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-12

Chapter 12. Condemnation of Property Located in Indiana by the United States

IC 4-20.5-12-1

Authority of United States to acquire property by eminent domain

Sec. 1. If the United States wants to acquire title to property in Indiana for any purpose, the United States may acquire property by eminent domain under IC 32-24 and applicable federal law.

As added by P.L.7-1993, SEC.7. Amended by P.L.2-2002, SEC.32.

IC 4-20.5-12-2

Consent of state

Sec. 2. Before the United States may acquire land under this chapter, the state must give consent to the acquisition.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-13

Chapter 13. Certain Property Transactions by the Department of Natural Resources With the United States

IC 4-20.5-13-1

Applicable statutes

Sec. 1. The following statutes apply to a property transaction under this chapter:

(1) IC 4-20.5-7-3.
(2) IC 4-20.5-7-4.
(3) IC 4-20.5-7-5.
(4) IC 4-20.5-7-6.
(5) IC 4-20.5-7-17.
(6) IC 4-20.5-7-18.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-13-2

Lighthouse, beacon, or other aid to navigation site; federal acquisition of state property; magnitude; jurisdiction

Sec. 2. (a) This section applies only to state property covered by navigable waters of the United States.

(b) If an authorized agent of the United States requests the conveyance of state property for the site of a lighthouse, beacon, or other aid to navigation, the state may convey the property to the United States.

(c) The property conveyed under this section may not exceed ten (10) acres for a particular transaction requested by the United States.

(d) Subject to subsection (e), the governor may cede the jurisdiction of the state to the United States over property conveyed under this section.

(e) If the governor cedes jurisdiction under subsection (d), the state shall retain concurrent jurisdiction with the United States so that civil or criminal process issued under the state can be executed:

(1) by the proper officers of the state;
(2) upon a person subject to that process;
(3) within the limits of the property ceded; and
(4) in the same manner and to the same effect as if jurisdiction had not been ceded to the United States.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-14

Chapter 14. Cession of Jurisdiction to the United States for Post Offices and Other Structures

IC 4-20.5-14-1

Types of structures

Sec. 1. Subject to section 2 of this chapter, the jurisdiction of the state is ceded to the United States over all property within Indiana selected and acquired by the United States for the purpose of erecting any of the following:

(1) A post office.

(2) A custom house.

(3) Any other structure exclusively owned by the United States and used for its purposes.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-14-2

Conditions

Sec. 2. The cession of property to the United States under this chapter is subject to the following conditions:

(1) An agent of the United States, having knowledge of the facts, must file an accurate, certified description and plat of the property acquired by the United States with the land office.

(2) The state retains concurrent jurisdiction with the United States in and over the property, so that civil or criminal process issued under the state or orders of a state court or judicial officer can be executed:

(A) by the proper officers of the state;

(B) upon a person subject to that process;

(C) within the limits of the property ceded; and

(D) in the same manner and to the same effect as if jurisdiction had not been ceded to the United States.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-14-3

Exemption from taxes and assessments; exceptions

Sec. 3. (a) This section does not apply to taxes or assessments levied by the state upon the gross receipts or income of an association, a corporation, a firm, a partnership, or a person received on account of the performance of contracts or other activities upon the property.

(b) After the United States acquires property subject to this chapter, the property is exempt from all taxes and assessments as long as the United States owns the property.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-15

Chapter 15. Acquisition of Property by the United States for Improvements on Rivers

IC 4-20.5-15-1

Consent to federal acquisition of property by purchase or eminent domain; title; jurisdiction and control

Sec. 1. (a) The consent of the state is given to the acquisition of property by the United States, by purchase or eminent domain, for any of the following:

(1) The improvement of a navigable river within or bordering on Indiana by means of locks, dams, and adjustable chutes.

(2) The construction and maintenance of slackwater navigation on a navigable river within or bordering on Indiana by erecting dams, abutments, locks, lock-keepers' houses, chutes, or other necessary structures.

(b) The United States has title to property and exercises jurisdiction and control over the property when purchased or acquired as provided by this section.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-15-2

Consent to federal purchase of property on Ohio or Wabash Rivers; limits on eminent domain acquisitions; cession of jurisdiction and right to assess and tax; judicial process

Sec. 2. (a) The consent of the state is given to the purchase by the United States, or under the authority of the United States, of property located on the banks of the Ohio or Wabash Rivers and within Indiana for the construction of locks, dams, abutments, lock-keepers' dwellings, or other structures necessary for the improvement of the rivers.

(b) If the United States determines that it must acquire the property by eminent domain, the United States may not acquire more than ten (10) acres in any one (1) location under this section.

(c) If the United States acquires property under this section, the state cedes the following:

(1) Jurisdiction over the property to the United States.

(2) Right of assessment and taxation of the property and buildings located on the property acquired by the United States.

(d) This section does not debar or hinder the process of a court or judge of Indiana within the property acquired by the United States under this section, after the United States ceases to use the property for which it was acquired.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-16

Chapter 16. Acquisition of Forest Property by the United States

IC 4-20.5-16-1

Consent to federal acquisition by purchase or gift; limitation

Sec. 1. (a) Subject to the conditions established in this chapter, the consent of the state is given the United States to acquire, by purchase or gift, property in Indiana the United States considers necessary to establish, consolidate, or extend natural forests in Indiana.

(b) The consent given in subsection (a) terminates January 1, 2021.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-16-2

Conditions

Sec. 2. The consent of the state given in section 1 of this chapter is subject to all the following conditions:

(1) That the United States does not exercise its power of eminent domain, directly or indirectly, for the acquisition of the property, except to clear title.

(2) That the United States assumes the duties of a private landowner in Indiana regarding the owners or persons in legal possession of property adjoining national forest land in Indiana.

(3) That before January 1, 1981, the federal government defines national forest purchase boundaries within Indiana establishing purchase areas that enclose an aggregate of not more than four hundred thirty thousand (430,000) acres. The governor may grant a one (1) year extension of the time limitation if in the governor's judgment it is to the advantage of the people of Indiana to do so.

(4) That the United States acquires not more than two hundred forty thousand (240,000) acres for national forest land in Indiana.

(5) That the United States acquires by purchase not more than twenty-five percent (25%) of the area of any county.

(6) That the United States does not use any portion of the property within the national forest for the disposition, storage, or handling of nuclear or nonnuclear hazardous waste, including any of the following:

(A) Nuclear material.

(B) Radioactive material.

(C) Radioactive remains of a nuclear facility.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-16-3

Termination of consent

Sec. 3. If the United States fails to conform to any of the

conditions provided in section 2 of this chapter, the consent of the state given in section 1 of this chapter is immediately terminated by operation of law.
As added by P.L.7-1993, SEC.7.

IC 4-20.5-16-4
Concurrent jurisdiction regarding civil and criminal process

Sec. 4. The state retains concurrent jurisdiction with the United States in and over property acquired by the United States under this chapter, so far that civil process in all cases and such criminal process as may issue under the authority of the state against a person charged with the commission of an offense may be executed on the property.
As added by P.L.7-1993, SEC.7.

IC 4-20.5-17
Repealed
(Repealed by P.L.1-1995, SEC.91.)

IC 4-20.5-18

Chapter 18. Retrocession of Property From the United States

IC 4-20.5-18-1

Consent of state to retrocession of jurisdiction

Sec. 1. The consent of the state is given to the retrocession of jurisdiction, either partially or wholly, by the United States over property within Indiana over which the United States exercises jurisdiction exclusively or concurrently with the state.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-18-2

Acceptance by governor

Sec. 2. The governor is authorized to accept for the state the retrocession of jurisdiction if the governor considers retrocession to be in the best interest of the state.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-18-3

Perfection

Sec. 3. Retrocession of jurisdiction under this chapter must be perfected as follows:

(1) An agent of the United States authorized to dispose of property must give written notice of the retrocession to the governor.

(2) The governor must accept the retrocession on behalf of the state on the written notice.

(3) The notice, with the governor's acceptance, must be:

(A) recorded in the office of the recorder of the county where the property is located; and

(B) filed in the land office.

As added by P.L.7-1993, SEC.7.

IC 4-20.5-19

Chapter 19. Transfer of State Property for National Monument

IC 4-20.5-19-1

Jurisdiction

Sec. 1. If the United States government or an agency of the United States government is authorized to acquire jurisdiction of a memorial or historic grounds and buildings in Indiana to be preserved and maintained by the United States government or an agency of the United States government as a national monument, the agency of the state having charge of the memorial or historic grounds and buildings may, with the approval of the governor, cede all jurisdiction of the memorial, property, buildings, and appurtenances to the United States government or the agency of the United States government.

As added by P.L.1-1995, SEC.36.

IC 4-20.5-19-2

Transfer of right, title, and possession to United States government

Sec. 2. If a memorial, a property, a building, or an appurtenance is ceded to the United States government under this chapter, the governor may transfer and convey all right, title, and possession that the state has in and to the memorial, property, building, or appurtenance to the United States government or agency of the United States government authorized to receive and accept the transfer and conveyance.

As added by P.L.1-1995, SEC.36.

IC 4-20.5-19-3

Written statements of conditions for transfer

Sec. 3. Before the transfer and conveyance of the right, title, and possession of a memorial, a property, a building, or an appurtenance is consummated, the attorney general and the appropriate legal officer of the United States government must state in writing that all of the conditions necessary to the valid and conclusive transfer and conveyance of the memorial, or property, building, or appurtenance have been fully complied with. Upon the presentation of the written statements to the governor, the governor shall direct the secretary of state to cause to be executed a deed of conveyance to the United States government or agency of the United States government. The governor shall sign the deed and the secretary of state shall attest the deed with the great seal of the state.

As added by P.L.1-1995, SEC.36.

IC 4-20.5-19-4

State relinquishing claims to property

Sec. 4. Upon the execution of the deed of conveyance, the state relinquishes all claims to the property conveyed to the United States

government.
As added by P.L.1-1995, SEC.36.

IC 4-20.5-19-5
Conditions for transfer

Sec. 5. The transfer and conveyance of a memorial, property, a building, or an appurtenance by the state to the United States government shall be made as follows:

(1) Without appraisement.
(2) Without the giving of notice.
(3) Without complying with any law other than this chapter.
(4) As provided by this chapter.

As added by P.L.1-1995, SEC.36.

IC 4-20.5-19-6
Civil and criminal process issued as if jurisdiction not ceded

Sec. 6. All civil and criminal process issued under the authority of the state or an officer of the state may be executed on the property and in a building that is erected on the property in the same way and manner as if jurisdiction had not been ceded under this chapter.
As added by P.L.1-1995, SEC.36.

IC 4-20.5-19-7
Tax exemption

Sec. 7. A memorial, a property, a building, or an appurtenance ceded under this chapter is exempt from all state, county, township, and other taxes, but is not exempt from the payment of special assessments.
As added by P.L.1-1995, SEC.36.

IC 4-20.5-20

Chapter 20. Miscellaneous Property Transactions With the United States

IC 4-20.5-20-1

Transactions with United States

Sec. 1. The department, with the approval of the governor, may enter into transactions with the United States involving property not otherwise provided for in this article.

As added by P.L.267-1999, SEC.11.

IC 4-20.5-20-2

Procedures; powers of department

Sec. 2. (a) A transaction described in section 1 of this chapter is subject to the same procedures required by this article that would be required to be followed under this article if the transaction were conducted with a person other than the United States.

(b) The department has the same powers to conduct a transaction described in section 1 of this chapter as the department has to conduct the same transaction under this article with a person other than the United States.

As added by P.L.267-1999, SEC.11.

IC 4-20.5-21

Chapter 21. Displays on Public Property

IC 4-20.5-21-1

Applicability of chapter

Sec. 1. This chapter governs the display of objects on real property owned by the state.

As added by P.L.22-2000, SEC.1.

IC 4-20.5-21-2

Display of Ten Commandments on state property

Sec. 2. An object containing the words of the Ten Commandments may be displayed on real property owned by the state along with other documents of historical significance that have formed and influenced the United States legal or governmental system. Such display of an object containing the words of the Ten Commandments shall be in the same manner and appearance generally as other documents and objects displayed, and shall not be presented or displayed in any fashion that results in calling attention to it apart from the other displayed documents and objects.

As added by P.L.22-2000, SEC.1.

IC 4-20.5-22

Chapter 22. Planting Grasses and Other Plants for Energy Production

IC 4-20.5-22-1

Application of chapter

Sec. 1. This chapter does not apply to a lease under IC 8-23-24.5.

As added by P.L.182-2009(ss), SEC.62.

IC 4-20.5-22-2

Intent of chapter

Sec. 2. The intent of this chapter is to encourage the use of property owned by the state to promote the growth and harvesting of vegetation to be used as fuels and other energy products.

As added by P.L.182-2009(ss), SEC.62.

IC 4-20.5-22-3

"Agency"

Sec. 3. As used in this chapter, "agency " has the meaning set forth in IC 4-20.5-1-3. The term includes a state institution.

As added by P.L.182-2009(ss), SEC.62.

IC 4-20.5-22-4

"Vegetation"

Sec. 4. As used in this chapter, "vegetation" refers to grasses or other plants that are suitable for processing into fuels or other energy products. The term does not include grasses or other plants that may be used to feed livestock.

As added by P.L.182-2009(ss), SEC.62.

IC 4-20.5-22-5

Authorization to enter lease

Sec. 5. To the extent permitted by federal law and when consistent with public safety, an agency may enter into leases with appropriate persons for the persons to plant, maintain, and harvest vegetation on state property owned or maintained by the agency for use in production of energy.

As added by P.L.182-2009(ss), SEC.62.

IC 4-20.5-22-6

Requirements of lease

Sec. 6. A lease under this chapter must provide for the following:

(1) The lessee is responsible for planting, maintaining, and harvesting the vegetation at the lessee's cost.

(2) The lessee becomes the owner of the vegetation when harvested.

(3) The harvested vegetation must be used for the production of fuels or other energy products.

(4) The lease must include limitations on the height of any vegetation that is grown.

As added by P.L.182-2009(ss), SEC.62.

IC 4-20.5-22-7

Provisions of lease

Sec. 7. A lease under this chapter may provide for the following:

(1) Any term of the lease that the agency considers best to implement the intent of this chapter, but not for more than four (4) years.

(2) For the lease of parcels of sizes that the agency considers the best to implement the intent of this chapter.

(3) Any other provisions that the agency considers useful to implement the intent of this chapter.

As added by P.L.182-2009(ss), SEC.62.

IC 4-20.5-22-8

Awarding a lease

Sec. 8. The agency shall award a lease under this chapter to the responsive and responsible bidder who submits the highest bid for the particular lease.

As added by P.L.182-2009(ss), SEC.62.

IC 4-21

ARTICLE 21. REPEALED

(Repealed by P.L.7-1993, SEC.15.)

IC 4-21.5

ARTICLE 21.5. ADMINISTRATIVE ORDERS AND PROCEDURES

IC 4-21.5-1

Chapter 1. Definitions

IC 4-21.5-1-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-1-2

"Administrative law judge"

Sec. 2. "Administrative law judge" refers to an individual or panel of individuals acting in the capacity of an administrative law judge in a proceeding.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-1-3

"Agency"

Sec. 3. "Agency" means any officer, board, commission, department division, bureau, or committee of state government that is responsible for any stage of a proceeding under this article. Except as provided in IC 4-21.5-7, the term does not include the judicial department of state government, the legislative department of state government, or a political subdivision.

As added by P.L.18-1986, SEC.1. Amended by P.L.41-1995, SEC.1.

IC 4-21.5-1-4

"Agency action"

Sec. 4. "Agency action" means any of the following:

(1) The whole or a part of an order.

(2) The failure to issue an order.

(3) An agency's performance of, or failure to perform, any other duty, function, or activity under this article.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-1-5

"Court"

Sec. 5. "Court" means a circuit or superior court responsible for taking any action under this article.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-1-6

"Final agency action"

Sec. 6. "Final agency action" means:

(1) the entry of an order designated as a final order under this article; or

(2) any other agency action that disposes of all issues in a proceeding for all parties after the exhaustion of all available administrative remedies concerning the action.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-1-7
"Law"

Sec. 7. "Law" means the federal or state constitution, any federal or state statute, a rule of an agency, or a federal regulation.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-1-8
"License"

Sec. 8. "License" means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-1-9
"Order"

Sec. 9. "Order" means an agency action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific persons. The term includes:

(1) a license; or

(2) a determination under IC 4-21.5-3-6(a)(3) or IC 4-21.5-3-6(a)(4).

As added by P.L.18-1986, SEC.1. Amended by P.L.42-1995, SEC.1.

IC 4-21.5-1-10
"Party"

Sec. 10. "Party" means:

(1) a person to whom the agency action is specifically directed; or

(2) a person expressly designated in the record of the proceeding as a party to the proceeding.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-1-11
"Person"

Sec. 11. "Person" means an individual, agency, political subdivision, partnership, corporation, limited liability company, association, or other entity of any character.

As added by P.L.18-1986, SEC.1. Amended by P.L.8-1993, SEC.27.

IC 4-21.5-1-12

"Political subdivision"

Sec. 12. "Political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-1-13

"Proceeding"

Sec. 13. "Proceeding" refers to a proceeding under this article.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-1-14

"Rule"

Sec. 14. "Rule" means the whole or any part of an agency statement of general applicability that:

(1) has or is designed to have the effect of law; and

(2) implements, interprets, or prescribes:

(A) law or policy; or

(B) the organization, procedure, or practice requirements of an agency.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.1.

IC 4-21.5-1-15

"Ultimate authority"

Sec. 15. "Ultimate authority" means an individual or panel of individuals in whom the final authority of an agency is vested by law or executive order.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-2

Chapter 2. Application

IC 4-21.5-2-0.1

Application of article; application of previous statute; references to previous statutes

Sec. 0.1. (a) This article governs:

(1) all proceedings, and all proceedings for judicial review or civil enforcement of agency action, commenced after June 30, 1987; and

(2) proceedings conducted after June 30, 1987, on remand from a court.

(b) The following are governed by IC 4-22-1 (before its repeal) as it existed on June 30, 1987:

(1) Any adjudicative proceedings pending on June 30, 1987, and not being conducted on remand after June 30, 1987.

(2) All judicial review proceedings concerning agency action pending on June 30, 1987.

(3) All civil enforcement proceedings concerning agency action pending on June 30, 1987.

(c) After June 30, 1987, any reference to Acts 1947, c.365 or IC 4-22-1 in a statute or rule in effect on July 1, 1987, shall be construed as a reference to IC 4-21.5 as effective on July 1, 1987.

As added by P.L.220-2011, SEC.43.

IC 4-21.5-2-1

Minimum rights and duties

Sec. 1. This article creates minimum procedural rights and imposes minimum procedural duties.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-2-2

Waiver of rights and duties

Sec. 2. Except to the extent precluded by a law, a person may waive any right conferred upon that person by this article. This section does not permit the waiver of any procedural duty imposed by this article.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-2-3

Application of law

Sec. 3. This article applies to an agency, except to the extent that a statute clearly and specifically provides otherwise. This article applies (to the extent that a statute other than this article specifically applies this article) to a class of otherwise exempt orders or one (1) or more stages of an otherwise exempt proceeding.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-2-4
Exemptions

Sec. 4. (a) This article does not apply to any of the following agencies:

(1) The governor.
(2) The state board of accounts.
(3) The state educational institutions.
(4) The department of workforce development.
(5) The unemployment insurance review board of the department of workforce development.
(6) The worker's compensation board of Indiana.
(7) The military officers or boards.
(8) The Indiana utility regulatory commission.
(9) The department of state revenue (excluding an agency action related to the licensure of private employment agencies).
(10) The department of local government finance.
(11) The Indiana board of tax review.

(b) This article does not apply to action related to railroad rate and tariff regulation by the Indiana department of transportation.

As added by P.L.18-1986, SEC.1. Amended by P.L.18-1987, SEC.5; P.L.28-1988, SEC.1; P.L.18-1990, SEC.7; P.L.21-1995, SEC.7; P.L.198-2001, SEC.1; P.L.256-2003, SEC.1; P.L.188-2003, SEC.1; P.L.91-2006, SEC.1; P.L.2-2007, SEC.51; P.L.219-2007, SEC.3.

IC 4-21.5-2-5
Exemptions; agency actions

Sec. 5. This article does not apply to the following agency actions:

(1) The issuance of a warrant or jeopardy warrant for the collection of taxes.
(2) A determination of probable cause or no probable cause by the civil rights commission.
(3) A determination in a factfinding conference of the civil rights commission.
(4) A personnel action, except review of:
    (A) a personnel action by the state employees appeals commission under IC 4-15-2.2-42; or
    (B) a personnel action that is not covered by IC 4-15-2.2 but may be taken only for cause.
(5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.
(6) An agency action related to an offender within the jurisdiction of the department of correction.
(7) A decision of the Indiana economic development corporation, the office of tourism development, the department

of environmental management, the tourist information and grant fund review committee (before the repeal of the statute that created the tourist information and grant fund review committee), the Indiana finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or similar accusation.

(9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.

(10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.

(12) Determinations of the department of workforce development under IC 22-4.1-4-1.5(c)(1).

(13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

(17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8.

(18) An action of the bureau of motor vehicles subject to review under IC 9-33.

As added by P.L.18-1986, SEC.1. Amended by P.L.29-1988, SEC.1; P.L.3-1989, SEC.23; P.L.35-1989, SEC.1; P.L.1-1990, SEC.34; P.L.23-1990, SEC.1; P.L.11-1990, SEC.103; P.L.10-1991, SEC.6; P.L.2-1991, SEC.20; P.L.11-1991, SEC.20; P.L.12-1995, SEC.95; P.L.21-1995, SEC.8; P.L.2-1996, SEC.211; P.L.172-1999, SEC.10; P.L.4-2005, SEC.19; P.L.229-2005, SEC.1; P.L.235-2005, SEC.60; P.L.1-2006, SEC.70; P.L.161-2006, SEC.1; P.L.100-2006, SEC.1; P.L.1-2007, SEC.16; P.L.6-2012, SEC.16; P.L.69-2015, SEC.2; P.L.198-2016, SEC.6.

IC 4-21.5-2-6

Inapplicability to certain formulation, issuance, and administrative review

Sec. 6. This article does not apply to the formulation, issuance, or administrative review (but does apply to the judicial review and civil enforcement) of any of the following:

(1) Except as provided in IC 12-17.2-4-18.7 and IC 12-17.2-5-18.7, determinations by the division of family resources and the department of child services.

(2) Determinations by the alcohol and tobacco commission.

(3) Determinations by the office of Medicaid policy and planning concerning recipients and applicants of Medicaid. However, this article does apply to determinations by the office of Medicaid policy and planning concerning providers.

As added by P.L.18-1986, SEC.1. Amended by P.L.2-1992, SEC.37; P.L.23-1992, SEC.1; P.L.1-1993, SEC.20; P.L.204-2001, SEC.5; P.L.198-2001, SEC.2; P.L.1-2002, SEC.9; P.L.241-2003, SEC.1; P.L.234-2005, SEC.1; P.L.219-2007, SEC.4.

IC 4-21.5-3

Chapter 3. Adjudicative Proceedings

IC 4-21.5-3-1

Service of process; notice by publication

Sec. 1. (a) This section applies to:

(1) the giving of any notice;

(2) the service of any motion, ruling, order, or other filed item; or

(3) the filing of any document with the ultimate authority;

in an administrative proceeding under this article.

(b) Except as provided in subsection (c) or as otherwise provided by law, a person shall serve papers by:

(1) United States mail;

(2) personal service;

(3) electronic mail; or

(4) any other method approved by the Indiana Rules of Trial Procedure.

(c) The following shall be served by United States mail or personal service:

(1) The initial notice of a determination under section 6 of this chapter.

(2) A petition for review of an agency action under section 7 of this chapter.

(3) A complaint under section 8 of this chapter.

(d) The agency shall keep a record of the time, date, and circumstances of the service under subsection (b) or (c).

(e) Service shall be made on a person or on the person's counsel or other authorized representative of record in the proceeding. Service on an artificial person or a person incompetent to receive service shall be made on a person allowed to receive service under the rules governing civil actions in the courts. If an ultimate authority consists of more than one (1) individual, service on that ultimate authority must be made on the chairperson or secretary of the ultimate authority. A document to be filed with that ultimate authority must be filed with the chairperson or secretary of the ultimate authority.

(f) If the current address of a person is not ascertainable, service shall be mailed to the last known address where the person resides or has a principal place of business. If the identity, address, or existence of a person is not ascertainable, or a law other than a rule allows, service shall be made by a single publication in a newspaper of general circulation in:

(1) the county in which the person resides, has a principal place of business, or has property that is the subject of the proceeding; or

(2) Marion County, if the place described in subdivision (1) is not ascertainable or the place described in subdivision (1) is

outside Indiana and the person does not have a resident agent or other representative of record in Indiana.

(g) A notice given by publication must include a statement advising a person how the person may receive written notice of the proceedings.

(h) The filing of a document with an ultimate authority is complete on the earliest of the following dates that apply to the filing:

(1) The date on which the document is delivered to the ultimate authority:

(A) under subsection (b) or (c); and

(B) in compliance with subsection (e).

(2) The date of the postmark on the envelope containing the document, if the document is mailed to the ultimate authority by United States mail.

(3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the ultimate authority by private carrier.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.2; P.L.33-1989, SEC.2; P.L.35-1989, SEC.2; P.L.32-2011, SEC.1; P.L.6-2012, SEC.17; P.L.152-2012, SEC.4.

IC 4-21.5-3-2

Time computation

Sec. 2. (a) In computing any period of time under this article, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:

(1) a Saturday;

(2) a Sunday;

(3) a legal holiday under a state statute; or

(4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office in which the act is to be done is closed during regular business hours are excluded from the calculation.

(c) A period of time under this article that commences when a person is served with a paper, including the period in which a person may petition for judicial review, commences with respect to a particular person on the earlier of the date that:

(1) the person is personally served with the notice; or

(2) a notice for the person is deposited in the United States mail.

(d) If section 1(f) of this chapter applies, a period of time under this article commences when a notice for the person is published in

a newspaper.

(e) If a notice is served through the United States mail, three (3) days must be added to a period that commences upon service of that notice.

As added by P.L.18-1986, SEC.1. Amended by P.L.32-2011, SEC.2.

IC 4-21.5-3-3

Notice of orders; additional proceedings; effectiveness; stays

Sec. 3. (a) An agency shall give notice concerning an order under section 4, 5, 6, or 8 of this chapter. An agency shall conduct additional proceedings under this chapter if required by section 7 or 8 of this chapter. However, IC 4-21.5-4 applies to the notice and proceedings necessary for emergency and other temporary orders.

(b) Notwithstanding IC 1-1-4-1, if:

(1) a panel of individuals responsible for an agency action has a quorum of its members present, as specified by law; and

(2) a statute other than IC 1-1-4-1 does not specify the number of votes necessary to take an agency action;

the panel may take the action by an affirmative vote of a majority of the members present and voting. For the purposes of this subsection, a member abstaining on a vote is not voting on the action.

(c) An order is effective when it is issued as a final order under this chapter, except to the extent that:

(1) a different date is set by this article;

(2) a later date is set by an agency in its order; or

(3) an order is stayed.

(d) After an order becomes effective, an agency may suspend the effect of an order, in whole or in part, by staying the order under this chapter.

(e) A party to an order may be required to comply with an order only after the party has been served with the order or has actual knowledge of the order.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.3.

IC 4-21.5-3-4

Notice required; licenses and personnel decisions; persons who must be notified; contents

Sec. 4. (a) Notice must be given under this section concerning the following:

(1) The denial of a driver's license by the bureau of motor vehicles under IC 9.

(2) The grant, renewal, restoration, transfer, or denial of a noncommercial fishing or hunting license by the department of natural resources under IC 14.

(3) The grant, renewal, restoration, transfer, or denial of a license by an entity described in IC 25-0.5-9.

(4) The grant, renewal, suspension, revocation, or denial of a certificate of registration under IC 25-5.2.

(5) A personnel decision by an agency.

(6) The grant, renewal, restoration, transfer, or denial of a license by the department of environmental management or the commissioner of the department under the following:

(A) Environmental management laws (as defined in IC 13-11-2-71) for the construction, installation, or modification of:

(i) sewers and appurtenant facilities, devices, or structures for the collection and transport of sewage (as defined in IC 13-11-2-200) or storm water to a storage or treatment facility or to a point of discharge into the environment; or

(ii) pipes, pumps, and appurtenant facilities, devices, or structures that are part of a public water system (as defined in IC 13-11-2-177.3) and that are used to transport water to a storage or treatment facility or to distribute water to the users of the public water system;

where a federal, state, or local governmental body has given or will give public notice and has provided or will provide an opportunity for public participation concerning the activity that is the subject of the license.

(B) Environmental management laws (as defined in IC 13-11-2-71) for the registration of a device or a piece of equipment.

(C) IC 13-17-6-1 for a person to engage in the inspection, management, and abatement of asbestos containing material.

(D) IC 13-18-11 for a person to operate a wastewater treatment plant.

(E) IC 13-15-10 for a person to operate the following:

(i) A solid waste incinerator or a waste to energy facility.

(ii) A land disposal site.

(iii) A facility described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

(F) IC 13-20-4 for a person to operate a municipal waste collection and transportation vehicle.

(b) When an agency issues an order described by subsection (a), the agency shall give a written notice of the order to the following persons:

(1) Each person to whom the order is specifically directed.

(2) Each person to whom a law requires notice to be given.

A person that is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party on the record of the proceeding.

(c) The notice must include the following:

(1) A brief description of the order.

(2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under

section 7 of this chapter.

(3) Any information required by law.

(d) An order under this section is effective when it is served. However, if a timely and sufficient application has been made for renewal of a license described by subsection (a)(3) and review is granted under section 7 of this chapter, the existing license does not expire until the agency has disposed of the proceeding under this chapter concerning the renewal, unless a statute other than this article provides otherwise. This subsection does not preclude an agency from issuing under IC 4-21.5-4 an emergency or other temporary order with respect to the license.

(e) If a petition for review of an order described in subsection (a) is filed within the period set by section 7 of this chapter and a petition for stay of effectiveness of the order is filed by a party or another person that has a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the order should be stayed in whole or in part. The burden of proof in the preliminary hearing is on the person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued after an order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties and any person that has a pending petition for intervention in the proceeding. It must include a statement of the facts and law on which it is based.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1989, SEC.3; P.L.25-1991, SEC.1; P.L.33-1993, SEC.1; P.L.1-1996, SEC.25; P.L.54-2001, SEC.2; P.L.184-2002, SEC.1; P.L.3-2014, SEC.3; P.L.198-2016, SEC.7.

IC 4-21.5-3-5

Notice required; certain licensing and other decisions; persons who must be notified; contents; effectiveness of order; stays

Sec. 5. (a) Notice shall be given under this section concerning the following:

(1) The grant, renewal, restoration, transfer, or denial of a license not described by section 4 of this chapter.

(2) The approval, renewal, or denial of a loan, grant of property or services, bond, financial guarantee, or tax incentive.

(3) The grant or denial of a license in the nature of a variance or exemption from a law.

(4) The determination of tax due or other liability.

(5) A determination of status.

(6) Any order that does not impose a sanction or terminate a legal right, duty, privilege, immunity, or other legal interest.

(b) When an agency issues an order described in subsection (a), the agency shall give a written notice of the order to the following persons:

(1) Each person to whom the order is specifically directed.
(2) Each person to whom a law requires notice to be given.
(3) Each competitor who has applied to the agency for a mutually exclusive license, if issuance is the subject of the order and the competitor's application has not been denied in an order for which all rights to judicial review have been waived or exhausted.
(4) Each person who has provided the agency with a written request for notification of the order, if the request:
(A) describes the subject of the order with reasonable particularity; and
(B) is delivered to the agency at least seven (7) days before the day that notice is given under this section.
(5) Each person who has a substantial and direct proprietary interest in the subject of the order.
(6) Each person whose absence as a party in the proceeding concerning the order would deny another party complete relief in the proceeding or who claims an interest related to the subject of the order and is so situated that the disposition of the matter, in the person's absence, may:
(A) as a practical matter impair or impede the person's ability to protect that interest; or
(B) leave any other person who is a party to a proceeding concerning the order subject to a substantial risk of incurring multiple or otherwise inconsistent obligations by reason of the person's claimed interest.

A person who is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party in the record of the proceeding.

(c) The notice required by subsection (a) must include the following:
(1) A brief description of the order.
(2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under section 7 of this chapter.
(3) A brief explanation of how the person may obtain notices of any prehearing conferences, preliminary hearings, hearings, stays, and any orders disposing of the proceedings without intervening in the proceeding, if a petition for review is granted under section 7 of this chapter.
(4) Any other information required by law.

(d) An agency issuing an order under this section or conducting an administrative review of the order shall give notice of any:
(1) prehearing conference;
(2) preliminary hearing;
(3) hearing;
(4) stay; or

(5) order disposing of all proceedings;

concerning the order to a person notified under subsection (b) who requests these notices in the manner specified under subsection (c)(3).

(e) If a statute requires an agency to solicit comments from the public in a nonevidentiary public hearing before issuing an order described by subsection (a), the agency shall announce at the opening and the close of the public hearing how a person may receive notice of the order under subsection (b)(4).

(f) If a petition for review and a petition for stay of effectiveness of an order described in subsection (a) has not been filed, the order is effective fifteen (15) days (or any longer period during which a person may, by statute, seek administrative review of the order) after the order is served. If both a petition for review and a petition for stay of effectiveness are filed before the order becomes effective, any part of the order that is within the scope of the petition for stay is stayed for an additional fifteen (15) days. Any part of the order that is not within the scope of the petition is not stayed. The order takes effect regardless of whether the persons described by subsection (b)(5) or (b)(6) have been served. An agency shall make a good faith effort to identify and notify these persons, and the agency has the burden of persuasion that it has done so. The agency may request that the applicant for the order assist in the identification of these persons. Failure to notify any of these persons is not grounds for invalidating an order, unless an unnotified person is substantially prejudiced by the lack of notice. The burden of persuasion as to substantial prejudice is on the unnotified person.

(g) If a timely and sufficient application has been made for renewal of a license with reference to any activity of a continuing nature and review is granted under section 7 of this chapter, the existing license does not expire until the agency has disposed of a proceeding under this chapter concerning the renewal, unless a statute other than this article provides otherwise. This subsection does not preclude an agency from issuing, under IC 4-21.5-4, an emergency or other temporary order with respect to the license.

(h) On the motion of any party or other person having a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the order should be stayed. The burden of proof in the preliminary hearing is on the person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued before or after the order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties, any person who has a pending petition for intervention in the proceeding, and any person who has requested notice under subsection (d). It must include a statement of the facts and law on which it is based.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.4.

IC 4-21.5-3-6

Notice required; persons who must receive notice; contents; effective date; stay, preliminary hearing, and resulting order

Sec. 6. (a) Notice shall be given under this section concerning the following:

(1) A safety order under IC 22-8-1.1.

(2) Any order that:

(A) imposes a sanction on a person or terminates a legal right, duty, privilege, immunity, or other legal interest of a person;

(B) is not described in section 4 or 5 of this chapter or IC 4-21.5-4; and

(C) by statute becomes effective without a proceeding under this chapter if there is no request for a review of the order within a specified period after the order is issued or served.

(3) A notice of program reimbursement or equivalent determination or other notice regarding a hospital's reimbursement issued by the office of Medicaid policy and planning or by a contractor of the office of Medicaid policy and planning regarding a hospital's year end cost settlement.

(4) A determination of audit findings or an equivalent determination by the office of Medicaid policy and planning or by a contractor of the office of Medicaid policy and planning arising from a Medicaid postpayment or concurrent audit of a hospital's Medicaid claims.

(5) A license suspension or revocation under:

(A) IC 24-4.4-2;

(B) IC 24-4.5-3;

(C) IC 28-1-29;

(D) IC 28-7-5;

(E) IC 28-8-4; or

(F) IC 28-8-5.

(6) An order issued by the secretary or the secretary's designee against providers regulated by the division of aging or the bureau of developmental disabilities services and not licensed by the state department of health under IC 16-27 or IC 16-28.

(b) When an agency issues an order described by subsection (a), the agency shall give notice to the following persons:

(1) Each person to whom the order is specifically directed.

(2) Each person to whom a law requires notice to be given.

A person who is entitled to notice under this subsection is not a party to any proceeding resulting from the grant of a petition for review under section 7 of this chapter unless the person is designated as a party in the record of the proceeding.

(c) The notice must include the following:

(1) A brief description of the order.

(2) A brief explanation of the available procedures and the time limit for seeking administrative review of the order under

section 7 of this chapter.

(3) Any other information required by law.

(d) An order described in subsection (a) is effective fifteen (15) days after the order is served, unless a statute other than this article specifies a different date or the agency specifies a later date in its order. This subsection does not preclude an agency from issuing, under IC 4-21.5-4, an emergency or other temporary order concerning the subject of an order described in subsection (a).

(e) If a petition for review of an order described in subsection (a) is filed within the period set by section 7 of this chapter and a petition for stay of effectiveness of the order is filed by a party or another person who has a pending petition for intervention in the proceeding, an administrative law judge shall, as soon as practicable, conduct a preliminary hearing to determine whether the order should be stayed in whole or in part. The burden of proof in the preliminary hearing is on the person seeking the stay. The administrative law judge may stay the order in whole or in part. The order concerning the stay may be issued after an order described in subsection (a) becomes effective. The resulting order concerning the stay shall be served on the parties and any person who has a pending petition for intervention in the proceeding. It must include a statement of the facts and law on which it is based.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.5; P.L.42-1995, SEC.2; P.L.80-1998, SEC.1; P.L.35-2010, SEC.1; P.L.153-2011, SEC.1; P.L.186-2015, SEC.1; P.L.35-2016, SEC.1.

IC 4-21.5-3-7

Review; petition; denial of petition; preliminary hearing

Sec. 7. (a) To qualify for review of a personnel action to which IC 4-15-2.2 applies, a person must comply with IC 4-15-2.2-42. To qualify for review of any other order described in section 4, 5, or 6 of this chapter, a person must petition for review in a writing that does the following:

(1) States facts demonstrating that:

(A) the petitioner is a person to whom the order is specifically directed;

(B) the petitioner is aggrieved or adversely affected by the order; or

(C) the petitioner is entitled to review under any law.

(2) Includes, with respect to determinations of notice of program reimbursement and audit findings described in section 6(a)(3) and 6(a)(4) of this chapter, a statement of issues that includes:

(A) the specific findings, action, or determination of the office of Medicaid policy and planning or of a contractor of the office of Medicaid policy and planning from which the provider is appealing;

(B) the reason the provider believes that the finding, action,

or determination of the office of Medicaid policy and planning or of a contractor of the office of Medicaid policy and planning was in error; and

(C) with respect to each finding, action, or determination of the office of Medicaid policy and planning or of a contractor of the office of Medicaid policy and planning, the statutes or rules that support the provider's contentions of error.

Not more than thirty (30) days after filing a petition for review under this section, and upon a finding of good cause by the administrative law judge, a person may amend the statement of issues contained in a petition for review to add one (1) or more additional issues.

(3) Is filed:

(A) with respect to an order described in section 4, 5, 6(a)(1), 6(a)(2), or 6(a)(5) of this chapter, with the ultimate authority for the agency issuing the order within fifteen (15) days after the person is given notice of the order or any longer period set by statute; or

(B) with respect to a determination described in section 6(a)(3) or 6(a)(4) of this chapter, with the office of Medicaid policy and planning not more than one hundred eighty (180) days after the hospital is provided notice of the determination.

The issuance of an amended notice of program reimbursement by the office of Medicaid policy and planning does not extend the time within which a hospital must file a petition for review from the original notice of program reimbursement under clause (B), except for matters that are the subject of the amended notice of program reimbursement.

If the petition for review is denied, the petition shall be treated as a petition for intervention in any review initiated under subsection (d).

(b) If an agency denies a petition for review under subsection (a) and the petitioner is not allowed to intervene as a party in a proceeding resulting from the grant of the petition for review of another person, the agency shall serve a written notice on the petitioner that includes the following:

(1) A statement that the petition for review is denied.

(2) A brief explanation of the available procedures and the time limit for seeking administrative review of the denial under subsection (c).

(c) An agency shall assign an administrative law judge to conduct a preliminary hearing on the issue of whether a person is qualified under subsection (a) to obtain review of an order when a person requests reconsideration of the denial of review in a writing that:

(1) states facts demonstrating that the person filed a petition for review of an order described in section 4, 5, or 6 of this chapter;

(2) states facts demonstrating that the person was denied review without an evidentiary hearing; and

(3) is filed with the ultimate authority for the agency denying the review within fifteen (15) days after the notice required by subsection (b) was served on the petitioner.

Notice of the preliminary hearing shall be given to the parties, each person who has a pending petition for intervention in the proceeding, and any other person described by section 5(d) of this chapter. The resulting order must be served on the persons to whom notice of the preliminary hearing must be given and include a statement of the facts and law on which it is based.

(d) If a petition for review is granted, the petitioner becomes a party to the proceeding and the agency shall assign the matter to an administrative law judge or certify the matter to another agency for the assignment of an administrative law judge (if a statute transfers responsibility for a hearing on the matter to another agency). The agency granting the administrative review or the agency to which the matter is transferred may conduct informal proceedings to settle the matter to the extent allowed by law.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.6; P.L.42-1995, SEC.3; P.L.2-1997, SEC.11; P.L.222-2005, SEC.22; P.L.213-2007, SEC.1; P.L.217-2007, SEC.1; P.L.6-2012, SEC.18.

IC 4-21.5-3-8

Sanctions; temporary orders

Sec. 8. (a) An agency may issue a sanction or terminate a legal right, duty, privilege, immunity, or other legal interest not described by section 4, 5, or 6 of this chapter only after conducting a proceeding under this chapter. However, this subsection does not preclude an agency from issuing, under IC 4-21.5-4, an emergency or other temporary order concerning the subject of the proceeding.

(b) When an agency seeks to issue an order that is described by subsection (a), the agency shall serve a complaint upon:

(1) each person to whom any resulting order will be specifically directed; and

(2) any other person required by law to be notified.

A person notified under this subsection is not a party to the proceeding unless the person is a person against whom any resulting order will be specifically directed or the person is designated by the agency as a party in the record of the proceeding.

(c) The complaint required by subsection (b) must include the following:

(1) A short, plain statement showing that the pleader is entitled to an order.

(2) A demand for the order that the pleader seeks.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-8.5

Sharing administrative law judges among agencies; information concerning administrative law judges

Sec. 8.5. (a) An agency may share an administrative law judge with another agency:

(1) to avoid bias, prejudice, interest in the outcome, or another conflict of interest;

(2) if a party requests a change of administrative law judge;

(3) to ease scheduling difficulties; or

(4) for another good cause.

An agency may adopt rules under IC 4-22-2 to implement this subsection.

(b) To the extent practicable, an administrative law judge must have expertise in the area of law being adjudicated.

(c) An agency shall post on the agency's Internet web site the:

(1) name;

(2) salary and other remuneration; and

(3) relevant professional experience;

of every person who serves as an administrative law judge for the agency.

As added by P.L.72-2014, SEC.3.

IC 4-21.5-3-9

Ultimate authority of agency; acting as or designating an administrative judge; disqualification; procedures

Sec. 9. (a) Except to the extent that a statute other than this article limits an agency's discretion to select an administrative law judge, the ultimate authority for an agency may:

(1) act as an administrative law judge;

(2) designate one (1) or more members of the ultimate authority (if the ultimate authority is a panel of individuals) to act as an administrative law judge; or

(3) designate one (1) or more:

(A) attorneys licensed to practice law in Indiana; or

(B) persons who served as administrative law judges for a state agency before January 1, 2014;

to act as an administrative law judge.

A person designated under subdivision (3) is not required to be an employee of the agency. A designation under subdivision (2) or (3) may be made in advance of the commencement of any particular proceeding for a generally described class of proceedings or may be made for a particular proceeding. A general designation may provide procedures for the assignment of designated individuals to particular proceedings.

(b) An agency may not knowingly assign an individual to serve alone or with others as an administrative law judge who is subject to disqualification under this chapter.

(c) If the judge believes that the judge's impartiality might reasonably be questioned, or believes that the judge's personal bias, prejudice, or knowledge of a disputed evidentiary fact might influence the decision, an individual assigned to serve alone or with

others as an administrative law judge shall:

(1) withdraw as the administrative law judge; or

(2) inform the parties of the potential basis for disqualification, place a brief statement of this basis on the record of the proceeding, and allow the parties an opportunity to petition for disqualification under subsection (d).

(d) Any party to a proceeding may petition for the disqualification of an individual serving alone or with others as an administrative law judge upon discovering facts establishing grounds for disqualification under this chapter. The administrative law judge assigned to the proceeding shall determine whether to grant the petition, stating facts and reasons for the determination. If the administrative law judge ruling on the disqualification issue is not the ultimate authority for the agency, the party petitioning for disqualification may petition the ultimate authority in writing for review of the ruling within ten (10) days after notice of the ruling is served. The ultimate authority shall conduct proceedings described by section 28 of this chapter to review the petition and affirm, modify, or dissolve the ruling within thirty (30) days after the petition is filed. A determination by the ultimate authority under this subsection is a final order subject to judicial review under IC 4-21.5-5.

(e) If a substitute is required for an administrative law judge who is disqualified or becomes unavailable for any other reason, the substitute must be appointed in accordance with subsection (a).

(f) Any action taken by a duly appointed substitute for a disqualified or unavailable administrative law judge is as effective as if taken by the latter.

(g) If there is a reasonable likelihood that the ultimate authority will be called upon to:

(1) review; or

(2) issue a final order with respect to;

a matter pending before or adjudicated by an administrative law judge, the provisions of section 11 of this chapter that apply to an administrative law judge or to a person communicating with an administrative law judge apply to a member of the ultimate authority and to a person communicating with a member of the ultimate authority.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.7; P.L.72-2014, SEC.4.

IC 4-21.5-3-10

Disqualification of administrative law judge

Sec. 10. (a) Any individual serving or designated to serve alone or with others as an administrative law judge is subject to disqualification for:

(1) bias, prejudice, or interest in the outcome of a proceeding;

(2) failure to dispose of the subject of a proceeding in an

orderly and reasonably prompt manner after a written request by a party;

(3) unless waived or extended with the written consent of all parties or for good cause shown, failure to issue an order not later than ninety (90) days after the latest of:

(A) the filing of a motion to dismiss or a motion for summary judgment under section 23 of this chapter that is filed after June 30, 2011;

(B) the conclusion of a hearing that begins after June 30, 2011; or

(C) the completion of any schedule set for briefing or for submittal of proposed findings of fact and conclusions of law for a disposition under clauses (A) or (B); or

(4) any cause for which a judge of a court may be disqualified.

Nothing in this subsection prohibits an individual who is an employee of an agency from serving as an administrative law judge.

(b) This subsection does not apply to a proceeding concerning a regulated occupation (as defined in IC 25-1-7-1), except for a proceeding concerning a water well driller (as described in IC 25-39-3) or an out of state mobile health care entity regulated by the state department of health. An individual who is disqualified under subsection (a)(2) or (a)(3) shall provide the parties a list of at least three (3) special administrative law judges who meet the requirements of:

(1) IC 4-21.5-7-6, if the case is pending in the office of environmental adjudication;

(2) IC 14-10-2-2, if the case is pending before the division of hearings of the natural resources commission; or

(3) any other statute or rule governing qualification to serve an agency other than those described in subdivision (1) or (2).

Subject to subsection (c), the parties may agree to the selection of one (1) individual from the list.

(c) If the parties do not agree to the selection of an individual as provided in subsection (b) not later than ten (10) days after the parties are provided a list of judges under subsection (b), a special administrative law judge who meets the requirements of subsection (b) shall be selected under the procedure set forth in Trial Rule 79(D), 79(E), or 79(F).

As added by P.L.18-1986, SEC.1. Amended by P.L.32-2011, SEC.3.

IC 4-21.5-3-11

Ex parte communications; violations

Sec. 11. (a) Except as provided in subsection (b) or unless required for the disposition of ex parte matters specifically authorized by statute, an administrative law judge serving in a proceeding may not communicate, directly or indirectly, regarding any issue in the proceeding while the proceeding is pending, with:

(1) any party;

(2) any individual who has a direct or indirect interest in the outcome of the proceeding;

(3) any individual who presided at a previous stage of the proceeding; or

(4) any individual who is prohibited from assisting the administrative law judge under section 13 of this chapter;

without notice and opportunity for all parties to participate in the communication.

(b) A member of a multimember panel of administrative law judges may communicate with other members of the panel regarding a matter pending before the panel, and any administrative law judge may receive aid from staff assistants. However, a staff assistant may not communicate to an administrative law judge any:

(1) ex parte communications of a type that the administrative law judge would be prohibited from receiving under subsection (a); or

(2) information that would furnish, augment, diminish, or modify the evidence in the record.

(c) Unless required for the disposition of ex parte matters specifically authorized by statute, a person described by subsection (a)(1), (a)(2), (a)(3), or (a)(4) may not communicate, directly or indirectly, in connection with any issue in that proceeding while the proceeding is pending, with any person serving as administrative law judge without notice and opportunity for all parties to participate in the communication.

(d) If, before serving as administrative law judge in a proceeding, an individual receives an ex parte communication of a type that would not properly be received while serving, the individual, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (e).

(e) An administrative law judge who receives an ex parte communication in violation of this section shall:

(1) place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each individual from whom the administrative law judge received an ex parte communication; and

(2) advise all parties that these matters have been placed on the record.

Any person described by subsection (a)(1), (a)(2), (a)(3), or (a)(4) shall be allowed to rebut a charge of wrongful ex parte communication upon requesting the opportunity for rebuttal within fifteen (15) days after notice of the communication.

(f) If necessary to eliminate the effect of an ex parte communication received in violation of this section, an administrative law judge who receives the communication may be disqualified and the portions of the record pertaining to the

communication may be corrected, modified, or preserved by protective order.

(g) A violation of this section is subject to the sanctions under sections 36 and 37 of this chapter.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.8.

IC 4-21.5-3-12

Administrative law judge; prohibited acts; disqualification

Sec. 12. An administrative law judge who:

(1) comments publicly, except as to hearing schedules or procedures, about pending or impending proceedings; or

(2) engages in financial or business dealings that tend to:

(A) reflect adversely on the administrative law judge's impartiality;

(B) interfere with the proper performance of the administrative law judge's duties;

(C) exploit the administrative law judge's position; or

(D) involve the administrative law judge in frequent financial or business dealings with attorneys or other persons who are likely to come before the administrative law judge;

is subject to disqualification. A violation of this section is subject to the sanctions under sections 36 and 37 of this chapter.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-13

Disqualification; involvement in preadjudicative stage

Sec. 13. (a) An individual who has served as investigator, prosecutor, or advocate in a proceeding or in its preadjudicative stage may not serve as an administrative law judge or assist or advise the administrative law judge in the same proceeding.

(b) An individual who is subject to the authority, direction, or discretion of an individual who has served as investigator, prosecutor, or advocate in a proceeding or in its preadjudicative stage may not serve as an administrative law judge or assist or advise the administrative law judge in the same proceeding.

(c) An individual who has made a determination of probable cause or other equivalent preliminary determination in a proceeding may serve as an administrative law judge or assist or advise the administrative law judge in the same proceeding, unless a party demonstrates grounds for disqualification under section 10 of this chapter.

(d) An individual may serve as an administrative law judge or a person presiding under sections 28, 29, 30, and 31 of this chapter at successive stages of the same proceeding, unless a party demonstrates grounds for disqualification under section 10 of this chapter.

(e) A violation of this section is subject to the sanctions under sections 36 and 37 of this chapter.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-14
Record; hearing on motion; burden of proof; standard of review

Sec. 14. (a) An administrative law judge conducting a proceeding shall keep a record of the administrative law judge's proceedings under this article.

(b) If a motion is based on facts not otherwise appearing in the record for the proceeding, the administrative law judge may hear the matter on affidavits presented by the respective parties or the administrative law judge may direct that the matter be heard wholly or partly on oral testimony or depositions.

(c) At each stage of the proceeding, the agency or other person requesting that an agency take action or asserting an affirmative defense specified by law has the burden of persuasion and the burden of going forward with the proof of the request or affirmative defense. Before the hearing on which the party intends to assert it, a party shall, to the extent possible, disclose any affirmative defense specified by law on which the party intends to rely. If a prehearing conference is held in the proceeding, a party notified of the conference shall disclose the party's affirmative defense in the conference.

(d) The proceedings before an administrative law judge are de novo.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.9; P.L.32-2011, SEC.4.

IC 4-21.5-3-15
Participation in proceeding

Sec. 15. (a) Any party may participate in a proceeding in person or, if the party is not an individual or is incompetent to participate, by a duly authorized representative.

(b) Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel or, unless prohibited by law, by another representative.

As added by P.L.18-1986, SEC.1. Amended by P.L.33-1989, SEC.3.

IC 4-21.5-3-16
Interpreters

Sec. 16. (a) A person who:

(1) cannot speak or understand the English language or who because of hearing, speaking, or other impairment has difficulty in communicating with other persons; and

(2) is a party or witness in any proceeding under this article;

is entitled to an interpreter to assist the person throughout the proceeding under this article.

(b) The interpreter may be retained by the person or may be appointed by the agency before which the proceeding is pending. If

an interpreter is appointed by the agency, the fee for the services of the interpreter shall be set by the agency. The fee shall be paid from any funds available to the agency or be paid in any other manner ordered by the agency.

(c) Any agency may inquire into the qualifications and integrity of any interpreter and may disqualify any person from serving as an interpreter.

(d) Every interpreter for another person in a proceeding shall take the following oath:

Do you affirm, under penalties of perjury, that you will justly, truly, and impartially interpret to _____ the oath about to be administered to him (or her), the questions that may be asked him (or her), and the answers that he (or she) shall give to the questions, relative to the cause now under consideration before this agency?

(e) IC 35-44.1-2-1 concerning perjury applies to an interpreter.

As added by P.L.18-1986, SEC.1. Amended by P.L.126-2012, SEC.13; P.L.215-2016, SEC.89.

IC 4-21.5-3-17

Opportunity to file documents; copies

Sec. 17. (a) The administrative law judge, at appropriate stages of a proceeding, shall give all parties full opportunity to file pleadings, motions, and objections and submit offers of settlement.

(b) The administrative law judge, at appropriate stages of a proceeding, may give all parties full opportunity to file briefs, proposed findings of fact, and proposed orders.

(c) A party shall serve copies of any filed item on all parties.

(d) The administrative law judge shall serve copies of all notices, orders, and other papers generated by the administrative law judge on all parties. The administrative law judge shall give notice of preliminary hearings, prehearing conferences, hearings, stays, and orders disposing of the proceeding to persons described by section 5(d) of this chapter.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-18

Prehearing conference; notice

Sec. 18. (a) The administrative law judge for the hearing, subject to the agency's rules, may, on the administrative law judge's own motion, and shall, on the motion of a party, conduct a prehearing conference. The administrative law judge may deny a motion for a prehearing conference if the administrative law judge has previously conducted a prehearing conference in the proceeding.

(b) This section and section 19 of this chapter apply if the conference is conducted.

(c) The administrative law judge for the prehearing conference shall set the time and place of the conference and give reasonable written notice to the following:

(1) All parties.
(2) All persons who have filed written petitions to intervene in the matter.
(3) All persons entitled to notice under any law.

(d) The initial prehearing conference notice in a proceeding must include the following:

(1) The names and mailing addresses of all known parties and other persons to whom notice is being given by the administrative law judge.
(2) The names and mailing addresses of all publications used to provide notice under this section.
(3) The name, official title, and mailing address of any counsel or employee who has been designated to appear for the agency and a telephone number through which the counsel or employee can be reached.
(4) The official file or other reference number, the name of the proceeding, and a general description of the subject matter.
(5) A statement of the time, place, and nature of the prehearing conference.
(6) A statement of the legal authority and jurisdiction under which the prehearing conference and the hearing are to be held.
(7) The name, official title, and mailing address of the administrative law judge for the prehearing conference and a telephone number through which information concerning hearing schedules and procedures may be obtained.
(8) A statement that a party who fails to attend or participate in a prehearing conference, hearing, or other later stage of the proceeding may be held in default or have a proceeding dismissed under section 24 of this chapter.

(e) Any subsequent prehearing conference notice in the proceeding may omit the information described in subsections (d)(1), (d)(2), (d)(3), (d)(6), and (d)(8).

(f) Any notice under this section may include any other matters that the administrative law judge considers desirable to expedite the proceedings.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.10.

IC 4-21.5-3-19

Prehearing conference; electronic means; matters considered; prehearing order on pleadings

Sec. 19. (a) This section and section 18 of this chapter apply to prehearing conferences.

(b) To expedite a decision on pending motions and other issues, the administrative law judge may conduct all or part of the prehearing conference by telephone, television, or other electronic means if each participant in the conference has an opportunity:

(1) to participate in;
(2) to hear; and

(3) if technically feasible, to see;

the entire proceeding while it is taking place.

(c) The administrative law judge shall conduct the prehearing conference, as may be appropriate, to deal with such matters as the following:

(1) Resolution of the issues in the proceeding under section 23 of this chapter.

(2) Exploration of settlement possibilities.

(3) Preparation of stipulations.

(4) Clarification of issues.

(5) Rulings on identity and limitation of the number of witnesses.

(6) Objections to proffers of evidence.

(7) A determination of the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form.

(8) The order of presentation of evidence and cross-examination.

(9) Rulings regarding issuance of subpoenas, discovery orders, and protective orders.

(10) Such other matters as will promote the orderly and prompt conduct of the hearing.

The administrative law judge shall issue a prehearing order incorporating the matters determined at the prehearing conference.

(d) If a prehearing conference is not held, the administrative law judge for the hearing may issue a prehearing order, based on the pleadings, to regulate the conduct of the proceedings.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-20

Hearing; time and place; notice

Sec. 20. (a) The administrative law judge for the hearing shall set the time and place of the hearing and give reasonable written notice to all parties and to all persons who have filed written petitions to intervene in the matter. Unless a shorter notice is required to comply with any law or is stipulated by all parties and persons filing written requests for intervention, an agency shall give at least five (5) days notice of the hearing.

(b) The notice must include a copy of any prehearing order rendered in the matter.

(c) To the extent not included in a prehearing order accompanying it the initial hearing notice in a proceeding must include the following:

(1) The names and mailing addresses of all parties and other persons to whom notice is being given by the administrative law judge.

(2) The name, official title, and mailing address of any counsel or employee who has been designated to appear for the agency

and a telephone number through which the counsel or employee can be reached.

(3) The official file or other reference number, the name of the proceeding, and a general description of the subject matter.

(4) A statement of the time, place, and nature of the hearing.

(5) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(6) The name, official title, and mailing address of the administrative law judge and a telephone number through which information concerning hearing schedules and procedures may be obtained.

(7) A statement of the issues involved and, to the extent known to the administrative law judge, of the matters asserted by the parties.

(8) A statement that a party who fails to attend or participate in a prehearing conference, hearing, or other later stage of the proceeding may be held in default or have a proceeding dismissed under section 24 of this chapter.

(d) Subsequent hearing notices in the proceeding may omit the information described in subsections (c)(1), (c)(2), (c)(5), and (c)(8).

(e) Any notice under this section may include any other matters the administrative law judge considers desirable to expedite the proceedings.

(f) The administrative law judge shall give notice to persons other than parties and petitioners for intervention who are entitled to notice under any law. Notice under this subsection may include all types of information provided in subsections (a) through (e) or may consist of a brief statement indicating:

(1) the subject matter, parties, time, place, and nature of the hearing;

(2) the manner in which copies of the notice to the parties may be inspected and copied;

(3) the name of the administrative law judge; and

(4) a telephone number through which information concerning proceeding hearing schedules and procedures may be obtained.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.11.

IC 4-21.5-3-21

Petition for intervention

Sec. 21. (a) Before the beginning of the hearing on the subject of the proceeding, the administrative law judge shall grant a petition for intervention in a proceeding and identify the petitioner in the record of the proceeding as a party if:

(1) the petition:

(A) is submitted in writing to the administrative law judge, with copies mailed to all parties named in the record of the proceeding; and

(B) states facts demonstrating that a statute gives the

petitioner an unconditional right to intervene in the proceeding; or

(2) the petition:

(A) is submitted in writing to the administrative law judge, with copies mailed to all parties named in the record of the proceeding, at least three (3) days before the hearing; and

(B) states facts demonstrating that the petitioner is aggrieved or adversely affected by the order or a statute gives the petitioner a conditional right to intervene in the proceeding.

(b) The administrative law judge, at least twenty-four (24) hours before the beginning of the hearing, shall issue an order granting or denying each pending petition for intervention.

(c) After the beginning of the hearing on the subject of the proceeding, but before the close of evidence in the hearing, anyone may be permitted to intervene in the proceeding if:

(1) a statute confers a conditional right to intervene or an applicant's claim or defense and the main action have a question of law or fact in common; and

(2) the administrative law judge determines that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.

In exercising its discretion, the administrative law judge shall consider whether the intervention will unduly delay or prejudice the adjudication of the legal interests of any of the parties.

(d) An order granting or denying a petition for intervention must specify any condition and briefly state the reasons for the order. The administrative law judge may modify the order at any time, stating the reasons for the modification. The administrative law judge shall promptly give notice of an order granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.12.

IC 4-21.5-3-22

Administrative orders; enforcement

Sec. 22. (a) The administrative law judge at the request of any party or an agency shall, and upon the administrative law judge's own motion may, issue:

(1) subpoenas;

(2) discovery orders; and

(3) protective orders;

in accordance with the rules of procedure governing discovery, depositions, and subpoenas in civil actions in the courts.

(b) The party seeking the order shall serve the order in accordance with these rules of procedure. If ordered by the administrative law judge, the sheriff in the county in which the order is to be served shall serve the subpoena, discovery order, or protective order.

(c) Subpoenas and orders issued under this section may be enforced under IC 4-21.5-6.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-23
Summary judgment

Sec. 23. (a) A party may, at any time after a matter is assigned to an administrative law judge, move for a summary judgment in the party's favor as to all or any part of the issues in a proceeding.

(b) Except as otherwise provided in this section, an administrative law judge shall consider a motion filed under subsection (a) as would a court that is considering a motion for summary judgment filed under Trial Rule 56 of the Indiana Rules of Trial Procedure.

(c) Service of the motion and any response to the motion, including supporting affidavits, shall be performed as provided in this article.

(d) Sections 28 and 29 of this chapter apply to an order granting summary judgment that disposes of all issues in a proceeding.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.13; P.L.5-1988, SEC.27; P.L.32-2011, SEC.5.

IC 4-21.5-3-24
Default or dismissal

Sec. 24. (a) At any stage of a proceeding, if a party fails to:

(1) satisfy the requirements of section 7(a) of this chapter;
(2) file a responsive pleading required by statute or rule;
(3) attend or participate in a prehearing conference, hearing, or other stage of the proceeding; or
(4) take action on a matter for a period of sixty (60) days, if the party is responsible for taking the action;

the administrative law judge may serve upon all parties written notice of a proposed default or dismissal order, including a statement of the grounds.

(b) Within seven (7) days after service of a proposed default or dismissal order, the party against whom it was issued may file a written motion requesting that the proposed default order not be imposed and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the administrative law judge may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

(c) If the party has failed to file a written motion under subsection (b), the administrative law judge shall issue the default or dismissal order. If the party has filed a written motion under subsection (b), the administrative law judge may either enter the order or refuse to enter the order.

(d) After issuing a default order, the administrative law judge shall conduct any further proceedings necessary to complete the proceeding without the participation of the party in default and shall

determine all issues in the adjudication, including those affecting the defaulting party. The administrative law judge may conduct proceedings in accordance with section 23 of this chapter to resolve any issue of fact.

As added by P.L.18-1986, SEC.1. Amended by P.L.72-2014, SEC.5.

IC 4-21.5-3-25

Conduct of hearing; procedure

Sec. 25. (a) This section and section 26 of this chapter govern the conduct of any hearing held by an administrative law judge.

(b) The administrative law judge shall regulate the course of the proceedings in conformity with any prehearing order and in an informal manner without recourse to the technical, common law rules of evidence applicable to civil actions in the courts.

(c) To the extent necessary for full disclosure of all relevant facts and issues, the administrative law judge shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limitation under subsection (d) or by the prehearing order.

(d) The administrative law judge may, after a prehearing order is issued under section 19 of this chapter, impose conditions upon a party necessary to avoid unreasonably burdensome or repetitious presentations by the party, such as the following:

(1) Limiting the party's participation to designated issues in which the party has a particular interest demonstrated by the petition.

(2) Limiting the party's use of discovery, cross-examination, and other procedures so as to promote the orderly, prompt, and just conduct of the proceeding.

(3) Requiring two (2) or more parties to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

If a person is allowed to intervene in the proceeding after the commencement of a hearing under this section, the administrative law judge may prohibit the intervener from recalling any witness who has been heard or reopening any matter that has been resolved, unless the intervener did not receive a notice required by this chapter or the intervener presents facts that demonstrate that fraud, perjury, or an abuse of discretion has occurred. Any proceedings conducted before the giving of a notice required by this chapter are voidable upon the motion of the party who failed to receive the notice.

(e) The administrative law judge may administer oaths and affirmations and rule on any offer of proof or other motion.

(f) The administrative law judge may give nonparties an opportunity to present oral or written statements. If the administrative law judge proposes to consider a statement by a nonparty, the judge shall give all parties an opportunity to challenge or rebut it and, on motion of any party, the judge shall require the

statement to be given under oath or affirmation.

(g) The administrative law judge shall have the hearing recorded at the agency's expense. The agency is not required, at its expense, to prepare a transcript, unless required to do so by law. Any party, at the party's expense, may cause a reporter approved by the agency to prepare a transcript from the agency's record, or cause additional recordings to be made during the hearing if the making of the additional recordings does not cause distraction or disruption. Notwithstanding IC 5-14-3-8, an agency may charge a person who requests that an agency provide a transcript (other than for judicial review under IC 4-21.5-5-13) the reasonable costs of preparing the transcript.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-26

Conduct of hearing; evidence

Sec. 26. (a) This section and section 25 of this chapter govern the conduct of any hearing conducted by an administrative law judge. Upon proper objection, the administrative law judge shall exclude evidence that is irrelevant, immaterial, unduly repetitious, or excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts. In the absence of proper objection, the administrative law judge may exclude objectionable evidence. The administrative law judge may admit hearsay evidence. If not objected to, the hearsay evidence may form the basis for an order. However, if the evidence is properly objected to and does not fall within a recognized exception to the hearsay rule, the resulting order may not be based solely upon the hearsay evidence.

(b) All testimony of parties and witnesses must be made under oath or affirmation.

(c) Statements presented by nonparties in accordance with section 25 of this chapter may be received as evidence.

(d) Any part of the evidence may be received in written form if doing so will expedite the hearing without substantial prejudice to the interests of any party.

(e) Documentary evidence may be received in the form of a copy or excerpt. Upon request, parties shall be given an opportunity to compare the copy with the original if available.

(f) Official notice may be taken of the following:

(1) Any fact that could be judicially noticed in the courts.

(2) The record of other proceedings before the agency.

(3) Technical or scientific matters within the agency's specialized knowledge.

(4) Codes or standards that have been adopted by an agency of the United States or this state.

(g) Parties must be:

(1) notified before or during the hearing, or before the issuance

of any order that is based in whole or in part on facts or material noticed under subsection (f), of the specific facts or material noticed, and the source of the facts or material noticed, including any staff memoranda and data; and

(2) afforded an opportunity to contest and rebut the facts or material noticed under subsection (f).

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-27

Final orders; findings of fact and conclusions of law

Sec. 27. (a) If the administrative law judge is the ultimate authority for the agency, the ultimate authority's order disposing of a proceeding is a final order. If the administrative law judge is not the ultimate authority, the administrative law judge's order disposing of the proceeding becomes a final order when affirmed under section 29 of this chapter. Regardless of whether the order is final, it must comply with this section.

(b) This subsection applies only to an order not subject to subsection (c). The order must include, separately stated, findings of fact for all aspects of the order, including the remedy prescribed and, if applicable, the action taken on a petition for stay of effectiveness. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. The order must also include a statement of the available procedures and time limit for seeking administrative review of the order (if administrative review is available).

(c) This subsection applies only to an order of the ultimate authority entered under IC 13, IC 14, or IC 25. The order must include separately stated findings of fact and, if a final order, conclusions of law for all aspects of the order, including the remedy prescribed and, if applicable, the action taken on a petition for stay of effectiveness. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Conclusions of law must consider prior final orders (other than negotiated orders) of the ultimate authority under the same or similar circumstances if those prior final orders are raised on the record in writing by a party and must state the reasons for deviations from those prior orders. The order must also include a statement of the available procedures and time limit for seeking administrative review of the order (if administrative review is available).

(d) Findings must be based exclusively upon the evidence of record in the proceeding and on matters officially noticed in that proceeding. Findings must be based upon the kind of evidence that is substantial and reliable. The administrative law judge's experience, technical competence, and specialized knowledge may be used in evaluating evidence.

(e) A substitute administrative law judge may issue the order

under this section upon the record that was generated by a previous administrative law judge.

(f) The administrative law judge may allow the parties a designated amount of time after conclusion of the hearing for the submission of proposed findings.

(g) An order under this section shall be issued in writing within ninety (90) days after conclusion of the hearing or after submission of proposed findings in accordance with subsection (f), unless this period is waived or extended with the written consent of all parties or for good cause shown.

(h) The administrative law judge shall have copies of the order under this section delivered to each party and to the ultimate authority for the agency (if it is not rendered by the ultimate authority).

As added by P.L.18-1986, SEC.1. Amended by P.L.25-1997, SEC.1; P.L.2-1998, SEC.10.

IC 4-21.5-3-28

Final order; authority to issue; proceedings

Sec. 28. (a) This section applies to proceedings under sections 29, 30, and 31 of this chapter.

(b) The ultimate authority or its designee shall conduct proceedings to issue a final order. A designee may be selected in advance of the commencement of any particular proceeding for a generally described class of proceedings or may be selected for a particular proceeding. A general designation may provide procedures for the assignment of designated individuals to particular proceedings.

(c) Any individual serving alone or with others in a proceeding may be disqualified for any of the reasons that an administrative law judge may be disqualified. The procedures in section 9 of this chapter apply to the disqualification and substitution of the individual.

(d) Motions and petitions submitted by a party to the ultimate authority shall be served on each party to the proceeding and to any person described by section 5(d) of this chapter.

(e) In the conduct of its proceedings, the ultimate authority or its designee shall afford each party an opportunity to present briefs. The ultimate authority or its designee may:

(1) afford each party an opportunity to present oral argument;

(2) have a transcript prepared, at the agency's expense, of any portion of the record of a proceeding that the ultimate authority or its designee considers necessary;

(3) exercise the powers of an administrative law judge to hear additional evidence under sections 25 and 26 of this chapter; or

(4) allow nonparties to participate in a proceeding in accordance with section 25 of this chapter.

Sections 15 and 16 of this chapter concerning representation and

interpreters apply to the proceedings of the ultimate authority or its designee.

(f) Notices and orders of the ultimate authority or its designee shall be served on all parties and all other persons who have requested notice under section 5 of this chapter.

(g) The final order of the ultimate authority or its designee must:

(1) identify any differences between the final order and the nonfinal order issued by the administrative law judge under section 27 of this chapter;

(2) include findings of fact meeting the standards of section 27 of this chapter or incorporate the findings of fact in the administrative law judge's order by express reference to the order; and

(3) briefly explain the available procedures and time limit for seeking administrative review of the final order by another agency under section 30 of this chapter (if any is available).

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-29

Orders from other than ultimate authority; review by ultimate authority; objections

Sec. 29. (a) This section does not apply if the administrative law judge issuing an order under section 27 of this chapter is the ultimate authority for the agency.

(b) After an administrative law judge issues an order under section 27 of this chapter, the ultimate authority or its designee shall issue a final order:

(1) affirming;

(2) modifying; or

(3) dissolving;

the administrative law judge's order. The ultimate authority or its designee may remand the matter, with or without instructions, to an administrative law judge for further proceedings.

(c) In the absence of an objection or notice under subsection (d) or (e), the ultimate authority or its designee shall affirm the order.

(d) To preserve an objection to an order of an administrative law judge for judicial review, a party must not be in default under this chapter and must object to the order in a writing that:

(1) identifies the basis of the objection with reasonable particularity; and

(2) is filed with the ultimate authority responsible for reviewing the order within fifteen (15) days (or any longer period set by statute) after the order is served on the petitioner.

(e) Without an objection under subsection (d), the ultimate authority or its designee may serve written notice of its intent to review any issue related to the order. The notice shall be served on all parties and all other persons described by section 5(d) of this chapter. The notice must identify the issues that the ultimate

authority or its designee intends to review.

(f) A final order disposing of a proceeding or an order remanding an order to an administrative law judge for further proceedings shall be issued within sixty (60) days after the latter of:

(1) the date that the order was issued under section 27 of this chapter;

(2) the receipt of briefs; or

(3) the close of oral argument;

unless the period is waived or extended with the written consent of all parties or for good cause shown.

(g) After remand of an order under this section to an administrative law judge, the judge's order is also subject to review under this section.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-30

Review by another agency

Sec. 30. If, under a statute, an agency may review the final order of another agency, the review shall be treated as if it was a continuous proceeding before a single agency. For the purposes of this review and the application of section 3 of this chapter concerning the effectiveness of an order, a final order of the first agency shall be treated as a nonfinal order of an administrative law judge, and the second agency shall review the order under section 29 of this chapter. To preserve an issue for judicial review, a party must comply with section 29(d) of this chapter before the second agency. The ultimate authority for the second agency or its designee may conduct proceedings under section 31 of this chapter.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-31

Modification of final order

Sec. 31. (a) An agency has jurisdiction to modify a final order under this section before the earlier of the following:

(1) Thirty (30) days after the agency has served the final order under section 27, 29, or 30 of this chapter.

(2) Another agency assumes jurisdiction over the final order under section 30 of this chapter.

(3) A court assumes jurisdiction over the final order under IC 4-21.5-5.

(b) A party may petition the ultimate authority for an agency for a stay of effectiveness of a final order. The ultimate authority or its designee may, before or after the order becomes effective, stay the final order in whole or in part.

(c) A party may petition the ultimate authority for an agency for a rehearing of a final order. The ultimate authority or its designee may grant a petition for rehearing only if the petitioning party demonstrates that:

(1) the party is not in default under this chapter;
(2) newly discovered material evidence exists; and
(3) the evidence could not, by due diligence, have been discovered and produced at the hearing in the proceeding.

The rehearing may be limited to the issues directly affected by the newly discovered evidence. If the rehearing is conducted by a person other than the ultimate authority, section 29 of this chapter applies to review of the order resulting from the rehearing.

(d) Clerical mistakes and other errors resulting from oversight or omission in a final order or other part of the record of a proceeding may be corrected by an ultimate authority or its designee on the motion of any party or on the motion of the ultimate authority or its designee.

(e) An action of a petitioning party or an agency under this section neither tolls the period in which a party may object to a second agency under section 30 of this chapter nor tolls the period in which a party may petition for judicial review under IC 4-21.5-5. However, if a rehearing is granted under subsection (c), these periods are tolled and a new period begins on the date that a new final order is served.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.14.

IC 4-21.5-3-32

Final orders; public inspection; indexing; deletions; precedent

Sec. 32. (a) Each agency shall make all written final orders available for public inspection and copying under IC 5-14-3. The agency shall index final orders that are issued after June 30, 1987, by name and subject. An agency shall index an order issued before July 1, 1987, if a person submits a written request to the agency that the order be indexed. An agency shall delete from these orders identifying details to the extent required by IC 5-14-3 or other law. In each case, the justification for the deletion must be explained in writing and attached to the order.

(b) An agency may not rely on a written final order as precedent to the detriment of any person until the order has been made available for public inspection and indexed in the manner described in subsection (a). However, this subsection does not apply to any person who has actual timely knowledge of the order. The burden of proving that knowledge is on the agency.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.15.

IC 4-21.5-3-33

Records

Sec. 33. (a) An agency shall maintain an official record of each proceeding under this chapter.

(b) The agency record of the proceeding consists only of the following:

(1) Notices of all proceedings.
(2) Any prehearing order.

(3) Any motions, pleadings, briefs, petitions, requests, and intermediate rulings.
(4) Evidence received or considered.
(5) A statement of matters officially noticed.
(6) Proffers of proof and objections and rulings on them.
(7) Proposed findings, requested orders, and exceptions.
(8) The record prepared for the administrative law judge or for the ultimate authority or its designee under sections 28 through 31 of this chapter, at a hearing, and any transcript of the record considered before final disposition of the proceeding.
(9) Any final order, nonfinal order, or order on rehearing.
(10) Staff memoranda or data submitted to the administrative law judge or a person presiding in a proceeding under sections 28 through 31 of this chapter.
(11) Matters placed on the record after an ex parte communication.

(c) Except to the extent that a statute provides otherwise, the agency record described by subsection (b) constitutes the exclusive basis for agency action in proceedings under this chapter and for judicial review of a proceeding under this chapter.
As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-34
Informal procedures; rules; final orders

Sec. 34. (a) An agency is encouraged to develop informal procedures that are consistent with this article and make unnecessary more elaborate proceedings under this article.

(b) An agency may adopt rules, under IC 4-22-2, setting specific procedures to facilitate informal settlement of matters. The procedures must be consistent with this article.

(c) This section does not require any person to settle a matter under the agency's informal procedures.

(d) This subsection does not apply to a proceeding before the state ethics commission (created by IC 4-2-6-2) or a proceeding concerning a regulated occupation (as defined in IC 25-1-7-1), except for a proceeding concerning a water well driller (as described in IC 25-39-3) or an out of state mobile health care entity regulated by the state department of health. When a matter is settled without the need for more elaborate proceedings under this section, the ultimate authority or its designee shall issue the order agreed to by the parties as a final order under this article.

(e) When the final order referred to in subsection (d) involves the modification of a permit issued under IC 13, the administrative law judge:

(1) shall remand the permit to the issuing agency with instructions to modify the permit in accordance with the final order; and
(2) retains jurisdiction over any appeals of the modified permit.

Only those terms of the permit that are the subject of the final order shall be modified and subject to public notice and comment.

(f) Any petition for administrative review under this chapter concerning permit modification under subsection (e) is limited to only those terms of the permit modified in accordance with the final order issued under subsection (d).

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.16; P.L.32-2011, SEC.6.

IC 4-21.5-3-35

Additional procedural rights; rules

Sec. 35. An agency may grant procedural rights to persons in addition to those conferred by this article so long as the rights conferred upon other persons by any law are not substantially prejudiced. The agency may adopt rules, under IC 4-22-2, concerning the nature and requirements of all procedures for requesting a proceeding or engaging in a proceeding, so long as the rules are not inconsistent with this article.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-36

Persons presiding in proceedings; violations

Sec. 36. An individual who:

(1) is serving alone or with others as an administrative law judge or as a person presiding in a proceeding under sections 28 through 31 of this chapter; and

(2) knowingly or intentionally violates section 11, 12, or 13 of this chapter;

commits a Class A misdemeanor.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3-37

Aiding in violation

Sec. 37. A person who:

(1) aids, induces, or causes an individual serving alone or with others as an administrative law judge or as a person presiding in a proceeding under sections 28 through 31 of this chapter to violate section 11, 12, or 13 of this chapter; and

(2) acts with the intent to:

(A) have the individual described in subdivision (1) disqualified from serving in a proceeding; or

(B) influence the individual described in subdivision (1) with respect to any issue in a proceeding;

commits a Class A misdemeanor.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-3.5

Chapter 3.5. Mediation

IC 4-21.5-3.5-1

Mediation guidelines; procedural rights; rules

Sec. 1. (a) Except as provided in subsections (b) and (c), the mediation guidelines adopted by rule under this chapter must supplement the procedural rights established by this article.

(b) An agency described in IC 4-21.5-2-4 that is exempt from administrative orders and procedures required under IC 4-21.5 may adopt rules consistent with this chapter for the use of mediation to resolve proceedings.

(c) An agency may elect to use the mediation provisions of this chapter for determinations described in IC 4-21.5-2-6 that are exempt from the administrative orders and procedures required under IC 4-21.5.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-2

Appropriateness of mediation; rules

Sec. 2. (a) For each type of administrative proceeding, the ultimate authority shall determine whether mediation is an appropriate means of alternative dispute resolution.

(b) For proceedings that an ultimate authority determines to be appropriate for mediation, the agency may adopt rules under IC 4-22-2 to implement this chapter. The rules, to the extent possible, shall not be inconsistent with Rule 2 of the Indiana Supreme Court Rules for Alternative Dispute Resolution.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-3

Agreement to mediate

Sec. 3. Before a proceeding is initiated, an agency and a person who may be the subject of an agency action may agree to use mediation to resolve a dispute.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-4

Immunity of mediator

Sec. 4. A mediator, co-mediator, or team mediator appointed and acting under this chapter has immunity in the same manner and to the same extent as a judge having jurisdiction in Indiana.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-5

Selection of proceeding for mediation; objections

Sec. 5. (a) If a proceeding is of a type that has been identified as appropriate for alternative dispute resolution under section 2 of this

chapter, the administrative law judge assigned to the proceeding may, on the administrative law judge's own motion or upon motion of any party, select the proceeding for mediation.

(b) Not more than fifteen (15) days after an order of selection for mediation, a party may object by filing a written objection specifying the grounds. The administrative law judge shall promptly consider an objection to mediation and any response to the objection and shall reconsider whether the proceeding is appropriate for mediation.

(c) In considering an order for mediation under this section, the administrative law judge shall consider:

(1) the willingness of the parties to mutually resolve their dispute;

(2) the ability of the parties to participate in the mediation process;

(3) the need for discovery and the extent to which it has been conducted; and

(4) any other factors that affect the potential for fair resolution of the dispute through the mediation process.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-6

Selection of mediator by agreement of parties

Sec. 6. (a) If a proceeding is conducted by mediation, the administrative law judge assigned to the proceeding shall within fifteen (15) days after the date of the order for mediation make available to the parties, at no cost, a mediator who is qualified under section 8 of this chapter, or the parties may elect to use, at their own cost, an outside mediator who is:

(1) qualified under section 8 of this chapter; and

(2) approved by the administrative law judge assigned to the proceeding.

(b) If a mediator is not selected by agreement or choice under subsection (a), the administrative law judge assigned to the proceeding shall designate three (3) mediators from the approved list of mediators described in subsection 7(d) and allow fifteen (15) days for alternate striking by each side. The party initiating the proceeding shall strike first. The mediator remaining after the striking process is the mediator.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-7

Application to mediate; list of approved mediators

Sec. 7. (a) A person, other than agency personnel, who wishes to serve as a mediator under this chapter shall file an application with the ultimate authority or its designee describing the type of proceeding in which the person desires to serve as a mediator and setting forth qualifications as required by section 8 of this chapter and the rules adopted under this chapter.

(b) A mediator must reapply if required by the rules.

(c) The administrative law judge assigned to a proceeding may allow mediation teams and co-mediators.

(d) The ultimate authority or its designee that uses mediation for dispute resolution shall maintain a list of approved mediators and the types of proceedings in which each mediator is authorized to serve. A mediator may be removed from the approved list for good cause, after a hearing.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-8

Qualifications of mediator; agreement of parties on mediator

Sec. 8. (a) Except as provided in subsection (b), a person who applies to be a mediator under this chapter must be qualified as a mediator under Rule 2.5 of the Indiana Supreme Court Rules for Alternative Dispute Resolution.

(b) Subject to approval of the administrative law judge, the parties may agree on any person to serve as a mediator.

As added by P.L.16-1996, SEC.1. Amended by P.L.114-2008, SEC.1.

IC 4-21.5-3.5-9

Guidelines for mediator selection if parties do not agree

Sec. 9. If rules are adopted under section 2 of this chapter, the rules must include guidelines for selection of a mediator for the ultimate authority when there is no appropriate mediator or listed mediator available and the parties cannot agree on an unlisted mediator.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-10

Choice not to serve as mediator

Sec. 10. A person selected to serve as a mediator under this chapter may choose not to serve for any reason.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-11

Replacement of mediator

Sec. 11. At any time, a party to a proceeding may request that the administrative law judge replace the mediator of the proceeding for good cause.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-12

Effect if mediator chooses not to serve

Sec. 12. If a mediator chooses not to serve or the administrative law judge decides to replace a mediator, the mediator selection process described in this chapter shall be repeated.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-13
Mediator ineligibility

Sec. 13. A mediator may not be selected to mediate a proceeding if the mediator:

(1) has an interest in the outcome of the proceeding;

(2) is related to any of the parties or attorneys in the proceeding; or

(3) is employed by any of the parties or attorneys involved in the proceeding, except that an employee of the agency involved may serve as a mediator if the employee of the agency:

(A) has not participated in the investigation or prosecution of the dispute; and

(B) does not otherwise have an interest in the outcome of the proceeding.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-14
Mediation costs

Sec. 14. (a) If the parties to a proceeding elect to use an outside mediator, the costs of mediation must be paid as agreed by the parties. If there is no agreement of the parties, the administrative law judge assigned to the proceeding shall determine the mediation costs, if necessary, and equitably divide the mediation costs among the parties.

(b) To make the determination required by subsection (a), the administrative law judge shall consider the following:

(1) The complexity of the litigation.

(2) The skill levels needed to mediate the proceeding.

(3) The ability of a party to pay.

(c) Mediation costs must be paid not more than thirty (30) days after the mediation is completed unless otherwise agreed among the mediator and the parties.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-15
Continuance of proceedings

Sec. 15. If a proceeding is selected for mediation, the administrative law judge assigned to the proceeding shall continue the proceeding until the mediation is completed.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-16
Duties of mediator

Sec. 16. A mediator for a proceeding under this chapter shall:

(1) inform the parties of the anticipated cost of mediation;

(2) advise the parties that the mediator does not represent either or both of the parties;

(3) define and describe the process of mediation to the parties;

(4) disclose the nature and extent of any relationships with the parties and any personal, financial, or other interest that may result in bias or a conflict of interest;
(5) advise each of the parties to consider independent legal advice;
(6) disclose to the parties or their attorneys any factual documentation revealed during the mediation if at the end of the mediation process the disclosure is agreed to by both parties;
(7) inform the parties of the extent to which information obtained from and about the participants through the mediation process is not privileged and may be subject to disclosure;
(8) inform the parties that they may introduce the written mediated agreement into evidence if the agreement is signed by all parties to the dispute;
(9) advise the parties of the time, date, and location of the mediation at least ten (10) days in advance, unless a shorter period is agreed to by the parties; and
(10) advise the parties of all persons whose presence at the mediation might facilitate settlement.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-17
Individuals present at mediation

Sec. 17. (a) The parties and their attorneys, if any, must be present at any mediation session unless otherwise agreed. A mediator may allow nonparties to the dispute to be present at a mediation session if the parties agree.

(b) All parties, attorneys with settlement authority, representatives with settlement authority, and necessary individuals must be present at each mediation conference to facilitate settlement of a dispute, unless excused by the administrative law judge.

(c) Mediation sessions are not open to the public.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-18
Confidential statements; nonpublic records

Sec. 18. (a) The attorney for a party to a proceeding may submit to the mediator a confidential statement of the proceeding, not to exceed ten (10) pages, before a mediation conference. The statement submitted under this section must include the following:

(1) The legal and factual contentions of the party.
(2) The factors considered in arriving at a settlement posture.
(3) The settlement negotiations to date.

(b) A confidential statement under this section may be supplemented by exhibits or evidence that must be made available to the opposing party or the opposing party's counsel at least five (5) days before the mediation conference.

(c) A confidential statement is privileged and confidential unless

an agreement by the parties to the contrary is provided to the mediator.

(d) If the mediation process does not result in settlement, any submitted confidential statement must be returned to the submitting attorney or party.

(e) Notwithstanding IC 4-21.5-4-6, the following are not public records or part of the agency record, gathered by the mediator in the course of mediation, in a proceeding:

(1) A confidential statement.
(2) Exhibits.
(3) Evidence.
(4) Other information.
(5) Draft settlement documents.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-19
Mediator meetings with parties

Sec. 19. In the mediation process, the mediator may meet jointly or separately with the parties and may express an evaluation of the proceeding to one (1) or more parties or their representatives. This evaluation may be expressed in the form of settlement ranges rather than exact amounts. The mediator may share revealed settlement authority with other parties or their representatives.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-20
Termination of mediation

Sec. 20. (a) As soon after mediation as practicable, the mediator shall report to the administrative law judge that the mediation process has been completed, terminated, or extended.

(b) The mediator shall terminate mediation whenever:

(1) the mediator believes that continuation of the process would harm or prejudice one (1) or more of the parties; or
(2) the ability or willingness of any party to participate meaningfully in mediation is lacking to the extent that a reasonable agreement is unlikely.

(c) After at least two (2) mediation sessions have been completed, any party may terminate mediation. The mediator may not state the reason for termination except when the termination is due to conflict of interest or bias on the part of the mediator, in which case another mediator may be assigned to the proceeding by the administrative law judge for the proceeding.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-21
Failure to reach agreement; requirements for agreement

Sec. 21. (a) If the parties do not reach an agreement on any matter as a result of mediation, the mediator shall report the lack of an

agreement without comment or recommendation to the administrative law judge assigned to the proceeding. With the consent of the parties, the mediator's report may also identify any pending motions or outstanding legal issues, discovery process, or other action by any party that, if resolved or completed, would facilitate the possibility of a settlement.

(b) An agreement as a result of mediation must be in writing and signed by the parties. The agreement must be filed with the administrative law judge assigned to the proceeding. If the agreement is complete on all issues, it must be accompanied by a joint stipulation of disposition. Upon approval of a joint stipulation of disposition by the administrative law judge, it has the same force and effect as an agreed order approved by an administrative law judge from the agency involved.

(c) An approved joint stipulation of disposition under this chapter is considered a contract between the parties.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-22

Ability to mediate subsequent disputes

Sec. 22. A person who has served as a mediator in a proceeding may act as a mediator in subsequent disputes between the parties, and the parties may provide for a review of the agreement with the mediator on a periodic basis. However, the mediator shall decline to act in any capacity, except as a mediator, unless the subsequent association is clearly distinct from the mediation issues.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-23

Conflicts of interest

Sec. 23. A mediator is required to use an effective system to identify potential conflict of interest at the time of appointment to a proceeding as a mediator. The mediator may not subsequently act as an investigator or make any recommendations regarding the mediated proceeding. A person may not serve as an administrative law judge in a subsequent hearing of a matter in which the person served as a mediator.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-24

Rules of evidence do not apply

Sec. 24. With the exception of privileged communications, the rules of evidence do not apply to mediation, but factual information having a bearing on the question of damages should be supported by documentary evidence whenever possible.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-25

Limitation of discovery

Sec. 25. Whenever possible, parties to a proceeding are encouraged to limit discovery to the development of information necessary to facilitate the mediation process. By agreement of the parties, or as ordered by the administrative law judge, discovery may be deferred during mediation.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-26

Mediation regarded as settlement negotiation

Sec. 26. (a) Mediation shall be regarded as a settlement negotiation. Evidence of furnishing or offering or promising to accept a valuable consideration in compromising or attempting to compromise a claim that was disputed as to either validity or amount is not admissible in a proceeding to prove liability for or invalidity of the claim or its amount.

(b) Evidence of conduct or statements made in the course of mediation is not admissible. However, this subsection does not require the exclusion of evidence otherwise discoverable merely because it is presented in the course of the mediation process. This subsection does not require exclusion when the evidence is offered for another purpose, such as bias or prejudice of a witness or negating a contention of undue delay.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-3.5-27

Confidential and privileged nature of mediation

Sec. 27. (a) A mediator is not subject to process requiring disclosure of any matter discussed during the mediation. Matters discussed during mediation are confidential and privileged.

(b) The confidentiality requirement of subsection (a) may not be waived by the parties.

(c) An objection to the obtaining of testimony or physical evidence from mediation may be made by any party or by the mediator.

As added by P.L.16-1996, SEC.1.

IC 4-21.5-4

Chapter 4. Special Proceedings; Emergency and Other Temporary Orders

IC 4-21.5-4-1

Circumstances warranting special proceedings

Sec. 1. An agency may conduct proceedings under this chapter if:

(1) an emergency exists; or

(2) a statute authorizes the agency to issue a temporary order or otherwise take immediate agency action.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-4-2

Procedures; orders

Sec. 2. (a) The agency shall issue the order under this chapter by one (1) of the following procedures:

(1) Except as provided in IC 25-1-9-10, without notice or an evidentiary proceeding, by any authorized individual or panel of individuals.

(2) After a hearing conducted by an administrative law judge.

(b) The resulting order must include a brief statement of the facts and the law that justifies the agency's decision to take the specific action under this chapter.

As added by P.L.18-1986, SEC.1. Amended by P.L.43-1995, SEC.1.

IC 4-21.5-4-3

Notice; effectiveness of order

Sec. 3. The agency shall give such notice as is practicable to persons who are required to comply with the order under this chapter. The order is effective when issued.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-4-4

Hearings

Sec. 4. Upon a request by a party for a hearing on an order rendered under section 2(a)(1) of this chapter, the agency shall, as quickly as is practicable, set the matter for an evidentiary hearing. An administrative law judge shall determine whether the order under this chapter should be voided, terminated, modified, stayed, or continued.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-4-5

Expiration of order; exception

Sec. 5. (a) Except as provided in subsection (c), an order issued under this chapter expires on the earliest of the following:

(1) The date set in the order.

(2) The date set by a statute other than this article.

(3) The elapse of ninety (90) days.

(b) During the pendency of any related proceedings under IC 4-21.5-3, the agency responsible for the proceeding may renew the order for successive ninety (90) day periods unless a statute other than this article prohibits the renewal of the order.

(c) An order issued under this chapter and IC 15-17-6 does not expire.

As added by P.L.18-1986, SEC.1. Amended by P.L.26-1997, SEC.1; P.L.2-2008, SEC.16.

IC 4-21.5-4-6

Records

Sec. 6. The agency record in a proceeding under this chapter consists of any documents regarding the matter that were considered or prepared by the agency in a proceeding under section 2(a)(1) of this chapter and, if a hearing is conducted under section 2(a)(2) or 4 of this chapter, the items described in IC 4-21.5-3-33.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-5

Chapter 5. Judicial Review

IC 4-21.5-5-1

Exclusive means for judicial review; exceptions

Sec. 1. Except as provided in IC 22-9 and IC 22-9.5, this chapter establishes the exclusive means for judicial review of an agency action. However, a subpoena, discovery order, or protective order issued under this article may be contested only in an action for civil enforcement under IC 4-21.5-6-2.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.17; P.L.14-1994, SEC.1.

IC 4-21.5-5-2

Petition; persons entitled to judicial review

Sec. 2. (a) Judicial review is initiated by filing a petition for review in the appropriate court.

(b) Only a person who qualifies under:

(1) section 3 of this chapter concerning standing;

(2) section 4 of this chapter concerning exhaustion of administrative remedies;

(3) section 5 of this chapter concerning the time for filing a petition for review;

(4) section 13 of this chapter concerning the time for filing the agency record for review; and

(5) any other statute that sets conditions for the availability of judicial review;

is entitled to review of a final agency action.

(c) A person is entitled to judicial review of a nonfinal agency action only if the person establishes both of the following:

(1) Immediate and irreparable harm.

(2) No adequate remedy exists at law. (The failure of a person to comply with the procedural requirements of this article may not be the basis for a finding of an inadequate remedy at law.)

As added by P.L.18-1986, SEC.1.

IC 4-21.5-5-3

Standing

Sec. 3. (a) The following have standing to obtain judicial review of an agency action:

(1) A person to whom the final agency action is specifically directed.

(2) A person who was a party to the proceedings of the ultimate authority that led to the final agency action, including the agency whose order was under review in the proceeding.

(3) A person eligible for standing under a law applicable to the final agency action.

(4) A person otherwise aggrieved or adversely affected by the

final agency action.

(b) A person has standing under subsection (a)(4) only if:

(1) the final agency action has prejudiced or is likely to prejudice the interests of the person;

(2) the person:

(A) was eligible for an initial notice of an order or proceeding under this article, was not notified of the order or proceeding in substantial compliance with this article, and did not have actual notice of the order or proceeding before the last date in the proceeding that the person could object or otherwise intervene to contest the agency action; or

(B) was qualified to intervene to contest an agency action under IC 4-21.5-3-21(a), petitioned for intervention in the proceeding, and was denied party status;

(3) the person's asserted interests are among those that the agency was required to consider when it engaged in the agency action challenged; and

(4) a judgment in favor of the person would substantially eliminate or redress the prejudice to the person caused or likely to be caused by the final agency action.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.18; P.L.178-2002, SEC.1; P.L.219-2007, SEC.5; P.L.72-2014, SEC.6.

IC 4-21.5-5-4

Exhaustion of administrative remedies; waiver of right to review

Sec. 4. (a) A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged and within any other agency authorized to exercise administrative review.

(b) A person who:

(1) fails to timely object to an order or timely petition for review of an order within the period prescribed by this article; or

(2) is in default under this article;

has waived the person's right to judicial review under this chapter.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-5-5

Time for filing

Sec. 5. Except as otherwise provided, a petition for review is timely only if it is filed within thirty (30) days after the date that notice of the agency action that is the subject of the petition for judicial review was served.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-5-6

Venue

Sec. 6. (a) Venue is in the judicial district where:

(1) the petitioner resides or maintains a principal place of business;
(2) the agency action is to be carried out or enforced; or
(3) the principal office of the agency taking the agency action is located.

(b) If more than one (1) person may be aggrieved by the agency action, only one (1) proceeding for review may be had, and the court in which a petition for review is first properly filed has jurisdiction.

(c) The rules of procedure governing civil actions in the courts govern pleadings and requests under this chapter for a change of judge or change of venue to another judicial district described in subsection (a).

(d) Each person who was a party to the proceeding before the agency is a party to the petition for review.

As added by P.L.18-1986, SEC.1. Amended by P.L.198-2001, SEC.3; P.L.219-2007, SEC.6.

IC 4-21.5-5-7
Petition; filing; contents

Sec. 7. (a) A petition for review must be filed with the clerk of the court.

(b) A petition for review must be verified and set forth the following:
(1) The name and mailing address of the petitioner.
(2) The name and mailing address of the agency whose action is at issue.
(3) Identification of the agency action at issue, together with a copy, summary, or brief description of the agency action.
(4) Identification of persons who were parties in any proceedings that led to the agency action.
(5) Specific facts to demonstrate that the petitioner is entitled to obtain judicial review under section 2 of this chapter.
(6) Specific facts to demonstrate that the petitioner has been prejudiced by one (1) or more of the grounds described in section 14 of this chapter.
(7) A request for relief, specifying the type and extent of relief requested.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.19.

IC 4-21.5-5-8
Service; rules of procedure

Sec. 8. (a) A petitioner for judicial review shall serve a copy of the petition upon:
(1) the ultimate authority issuing the order;
(2) the ultimate authority for each other agency exercising administrative review of the order;
(3) the attorney general; and
(4) each party to the proceeding before an agency;

in the manner provided by the rules of procedure governing civil actions in the courts. If the ultimate authority consists of more than one (1) individual, service on the ultimate authority must be made to the secretary or chairperson of the ultimate authority.

(b) The petitioner shall use means provided by the rules of procedure governing civil actions in the courts to give notice of the petition for review to all other parties in any proceedings that led to the agency action.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-5-9

Stay of order pending court decision

Sec. 9. (a) If a petition for judicial review concerns a matter other than an assessment or determination of tax due or claimed to be due the state, and the law concerning the agency whose order is being reviewed does not preclude a stay of the order by the court, the person seeking the review may seek, by filing a verified petition, an order of the court staying the action of the agency pending decision by the court. The court may enter an order staying the agency order pending a final determination if:

(1) the court finds that the petition for review and the petition for a stay order show a reasonable probability that the order or determination appealed from is invalid or illegal; and

(2) a bond is filed that is conditioned upon the due prosecution of the proceeding for review and that the petitioner will pay all court costs and abide by the order of the agency if it is not set aside. The bond must be in the amount and with the surety approved by the court. However, the amount of the bond must be at least five hundred dollars ($500).

(b) If a petition for review concerns a revocation or suspension of a license and the law governing the agency permits a staying of the action of the agency by court order pending judicial review, any stay ordered under subsection (a) is effective during the period of the review and any appeal from the review and until the review is finally determined, unless otherwise ordered by the court granting the stay. If the stay is granted as provided in this section and the determination of the agency is approved on final determination, the revocation or suspension of the license immediately becomes effective.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.20.

IC 4-21.5-5-10

Issues not raised before agency

Sec. 10. A person may obtain judicial review of an issue that was not raised before the agency, only to the extent that:

(1) the issue concerns whether a person who was required to be notified by this article of the commencement of a proceeding was notified in substantial compliance with this article; or

(2) the interests of justice would be served by judicial

resolution of an issue arising from a change in controlling law occurring after the agency action.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.21.

IC 4-21.5-5-11

Fact issues confined to record

Sec. 11. Judicial review of disputed issues of fact must be confined to the agency record for the agency action supplemented by additional evidence taken under section 12 of this chapter. The court may not try the cause de novo or substitute its judgment for that of the agency.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-5-12

Evidence; remand to agency for further factfinding

Sec. 12. (a) The court may receive evidence, in addition to that contained in the agency record for judicial review, only if it relates to the validity of the agency action at the time it was taken and is needed to decide disputed issues regarding one (1) or both of the following:

(1) Improper constitution as a decision-making body or grounds for disqualification of those taking the agency action.

(2) Unlawfulness of procedure or of decision-making process.

This subsection applies only if the additional evidence could not, by due diligence, have been discovered and raised in the administrative proceeding giving rise to a proceeding for judicial review.

(b) The court may remand a matter to the agency before final disposition of a petition for review with directions that the agency conduct further factfinding or that the agency prepare an adequate record, if:

(1) the agency failed to prepare or preserve an adequate record;

(2) the agency improperly excluded or omitted evidence from the record; or

(3) a relevant law changed after the agency action and the court determines that the new provision of law may control the outcome.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-5-13

Transmittal of agency record; costs; corrections or additions

Sec. 13. (a) Within thirty (30) days after the filing of the petition, or within further time allowed by the court or by other law, the petitioner shall transmit to the court the original or a certified copy of the agency record for judicial review of the agency action, consisting of:

(1) any agency documents expressing the agency action;

(2) other documents identified by the agency as having been considered by it before its action and used as a basis for its

action; and

(3) any other material described in this article as the agency record for the type of agency action at issue, subject to this section.

(b) An extension of time in which to file the record shall be granted by the court for good cause shown. Inability to obtain the record from the responsible agency within the time permitted by this section is good cause. Failure to file the record within the time permitted by this subsection, including any extension period ordered by the court, is cause for dismissal of the petition for review by the court, on its own motion, or on petition of any party of record to the proceeding.

(c) Upon a written request by the petitioner, the agency taking the action being reviewed shall prepare the agency record for the petitioner. If part of the record has been preserved without a transcript, the agency shall prepare a transcript for inclusion in the record transmitted to the court, except for portions that the parties to the judicial review proceeding stipulate to omit in accordance with subsection (e).

(d) Notwithstanding IC 5-14-3-8, the agency shall charge the petitioner with the reasonable cost of preparing any necessary copies and transcripts for transmittal to the court, unless a person files with the court, under oath and in writing, the statement described by IC 33-37-3-2.

(e) By stipulation of all parties to the review proceedings, the record may be shortened, summarized, or organized.

(f) The court may tax the cost of preparing transcripts and copies for the record:

(1) against a party to the judicial review proceeding who unreasonably refuses to stipulate to shorten, summarize, or organize the record; or

(2) in accordance with the rules governing civil actions in the courts or other law.

(g) Additions to the record concerning evidence received under section 12 of this chapter must be made as ordered by the court. The court may require or permit subsequent corrections or additions to the record.

As added by P.L.18-1986, SEC.1. Amended by P.L.11-1987, SEC.6; P.L.3-1989, SEC.24; P.L.98-2004, SEC.47.

IC 4-21.5-5-14

Burden of proof; standards of review

Sec. 14. (a) The burden of demonstrating the invalidity of agency action is on the party to the judicial review proceeding asserting invalidity.

(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken.

(c) The court shall make findings of fact on each material issue on which the court's decision is based.

(d) The court shall grant relief under section 15 of this chapter only if it determines that a person seeking judicial relief has been prejudiced by an agency action that is:

(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(2) contrary to constitutional right, power, privilege, or immunity;

(3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(4) without observance of procedure required by law; or

(5) unsupported by substantial evidence.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.22.

IC 4-21.5-5-15

Disposition

Sec. 15. If the court finds that a person has been prejudiced under section 14 of this chapter, the court may set aside an agency action and:

(1) remand the case to the agency for further proceedings; or

(2) compel agency action that has been unreasonably delayed or unlawfully withheld.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.23.

IC 4-21.5-5-16

Decisions on petitions; appeal

Sec. 16. Decisions on petitions for review of agency action are appealable in accordance with the rules governing civil appeals from the courts.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-6
Chapter 6. Civil Enforcement

IC 4-21.5-6-1
Court order for enforcement

Sec. 1. In addition to any other remedy provided by law:

(1) an agency in its own name;
(2) an agency in the name of the state;
(3) the attorney general in the name of the attorney general; or
(4) the attorney general in the name of the state at the request of an agency;

may apply for a court order in a circuit or superior court to enforce an order issued under this article by a verified petition for civil enforcement.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-6-2
Enforcement of subpoenas, discovery orders, and protective orders

Sec. 2. (a) This section applies only to the enforcement of a subpoena, discovery order, or protective order issued by an agency under this article.

(b) Any party to a proceeding before an agency who has obtained an order from an administrative law judge may apply for a court order in a circuit or superior court to enforce the subpoena or order issued by an agency by a verified petition for civil enforcement. Notice of an application under this section shall be given:

(1) to the administrative law judge issuing the order;
(2) to the attorney general; and
(3) to each party to the proceeding before the agency;

by personal service or by the United States mail at the time the application is filed.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.24.

IC 4-21.5-6-3
Civil actions

Sec. 3. (a) This section does not apply to the enforcement of a subpoena, discovery order, or protective order issued by an agency under this article.

(b) Nothing in this chapter limits or precludes civil action under IC 13-30-1.

(c) Any party to a proceeding concerning an agency's order may file a petition for civil enforcement of that order.

(d) The action may not be commenced under this section if:

(1) less than sixty (60) days has elapsed since the petitioner gave notice of the alleged violation and of the petitioner's intent to seek civil enforcement to the head of the agency concerned, to the attorney general, and to each alleged violator against whom the petitioner seeks civil enforcement;

(2) the agency has filed and is diligently prosecuting a petition for civil enforcement of the same order against the same defendant; or

(3) a petition for review of the same order has been filed and is pending in court.

(e) The petition under this section must name as defendants each alleged violator against whom the petitioner seeks civil enforcement.

(f) The agency whose order is sought to be enforced is not a party to an action under this section unless the agency moves to intervene. The court shall grant an agency's motion to intervene and shall allow the agency to intervene as a plaintiff or defendant.

(g) The agency whose order is sought to be enforced under this section may move to dismiss on the grounds that the petition fails to qualify under this section or that enforcement would be contrary to the policy of the agency. The court shall grant the motion to dismiss unless the petitioner demonstrates that:

(1) the petition qualifies under this section; and

(2) the agency's failure to enforce its order is based on an exercise of discretion that is improper on one (1) or more of the grounds provided in IC 4-21.5-5-14.

(h) Except to the extent expressly authorized by law, a petition for civil enforcement filed under this section may not request, and the court may not grant, any monetary payment apart from taxable costs.

As added by P.L.18-1986, SEC.1. Amended by P.L.35-1987, SEC.25; P.L.1-1996, SEC.26.

IC 4-21.5-6-4

Naming violators required

Sec. 4. A petition for civil enforcement must name as defendants each alleged violator against whom the party seeks to obtain civil enforcement.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-6-5

Venue

Sec. 5. Venue is determined in accordance with the rules governing civil actions in the courts.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-6-6

Relief granted

Sec. 6. Upon a showing that a person has violated an order issued under this article, the court may grant:

(1) an injunction requested by any petitioner without bond;

(2) a restraining order or any appropriate relief other than an injunction requested by a petitioner under section 1 of this chapter without bond;

(3) a subpoena, discovery order, or protective order requested

under section 2 of this chapter without a bond; or

(4) a restraining order or any appropriate relief other than an injunction requested by a petitioner under section 3 of this chapter with the bond specified by the court.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-6-7

Appeal

Sec. 7. Decisions on petitions for civil enforcement are appealable in accordance with the rules governing civil appeals from the courts.

As added by P.L.18-1986, SEC.1.

IC 4-21.5-7

Chapter 7. Environmental Adjudication

IC 4-21.5-7-1

"Director" defined

Sec. 1. As used in this chapter, "director" refers to the director of the office of environmental adjudication established by section 3 of this chapter.

As added by P.L.41-1995, SEC.2.

IC 4-21.5-7-2

"Office" defined

Sec. 2. As used in this chapter, "office" refers to the office of environmental adjudication established by section 3 of this chapter.

As added by P.L.41-1995, SEC.2.

IC 4-21.5-7-3

Office of environmental adjudication; duties

Sec. 3. (a) The office of environmental adjudication is established to review, under this article, agency actions of the department of environmental management, actions of a board described in IC 13-14-9-1, and challenges to rulemaking actions by a board described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or IC 4-22-2-45.

(b) The office of environmental adjudication shall:

(1) conduct adjudicatory hearings required to implement:

(A) air pollution control laws (as defined in IC 13-11-2-6), water pollution control laws (as defined in IC 13-11-2-261), environmental management laws (as defined in IC 13-11-2-71), and IC 13-19;

(B) rules of the board (as defined in IC 13-13-8-1) and the financial assurance board; and

(C) agency action of the department of environmental management; and

(2) notify a board referred to in subdivision (1)(B) of a final order of the office of environmental adjudication that interprets:

(A) a rule of the board; or

(B) a statute under which a rule of the board is authorized.

As added by P.L.41-1995, SEC.2. Amended by P.L.1-1996, SEC.27; P.L.240-2003, SEC.1; P.L.99-2005, SEC.1; P.L.133-2012, SEC.6.

IC 4-21.5-7-4

Employees

Sec. 4. The office consists of the following employees:

(1) A director appointed by the governor who may serve as an environmental law judge.

(2) Environmental law judges, employed by the director.

(3) Any other staff, employed by the director, that are necessary

to carry out the functions of the office.

(b) In the event of a vacancy, the governor shall appoint the director based upon recommendations by a four member (4) panel. Not more than two (2) members of the panel may be affiliated with the same political party. The panel shall consist of:

(1) one (1) person, who shall serve as the chair of the panel, appointed by the chief justice of the supreme court of Indiana;

(2) one (1) person appointed by the governor;

(3) one (1) person appointed by the speaker of the house of representatives;

(4) one (1) person appointed by the president pro tempore of the senate;

The panel shall nominate three (3) candidates for each vacancy and certify them to the governor as promptly as possible, but not later than sixty (60) days from the date a vacancy occurs. Not later than thirty (30) days after receipt of the panel's list of three (3) candidates, the governor may select one (1) candidate from the panel's list, or the governor may request that the panel nominate three (3) additional candidates. The panel shall meet whenever there is a vacancy in the director position.

As added by P.L.41-1995, SEC.2.

IC 4-21.5-7-5

Decisions reviewed by law judge

Sec. 5. (a) Except as provided in IC 14-10-2-2.5, an environmental law judge is the ultimate authority under this article for reviews of agency actions of the department of environmental management, actions of a board described in IC 13-14-9-1, and challenges to rulemaking actions by a board described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or IC 4-22-2-45.

(b) An environmental law judge under this chapter has the same authority and responsibilities as an administrative law judge.

As added by P.L.41-1995, SEC.2. Amended by P.L.99-2005, SEC.2; P.L.84-2008, SEC.1; P.L.32-2011, SEC.7.

IC 4-21.5-7-5.5

Consolidated proceedings

Sec. 5.5. A proceeding that is subject to the jurisdiction of both the office and the natural resources commission's division of hearings established under IC 14-10-2-2 may be consolidated under IC 14-10-2-2.5.

As added by P.L.84-2008, SEC.2.

IC 4-21.5-7-6

Qualifications of law judge and director; appointment of special judge

Sec. 6. (a) An environmental law judge hired after July 1, 1995, and the director must:

(1) be attorneys admitted to the bar of Indiana;
(2) have at least five (5) years of experience practicing administrative or environmental law in Indiana;
(3) be independent of the department of environmental management; and
(4) be subject to all provisions applicable to an administrative law judge under this article.

(b) The director may appoint a special environmental law judge. The special environmental law judge must meet the requirements of subsection (a).

As added by P.L.41-1995, SEC.2. Amended by P.L.99-2005, SEC.3; P.L.100-2012, SEC.5.

IC 4-21.5-7-7
Powers of office

Sec. 7. The office may:
(1) adopt forms; and
(2) establish procedural rules IC 4-22-2;

consistent with this article.

As added by P.L.41-1995, SEC.2.

IC 4-21.5-7-8
Proposed budget; payment of expenses

Sec. 8. (a) The director shall prepare the proposed budget for the office.

(b) The expenses of the office shall be paid from money allotted to the office of environmental adjudication to maintain the office.

As added by P.L.41-1995, SEC.2. Amended by P.L.25-1997, SEC.2.

IC 4-21.5-7-9
Receipt and acceptance of gifts

Sec. 9. The office, on behalf of the state, may accept and receive from any source gifts and other funds that are made available to the state for the purposes of this chapter.

As added by P.L.25-1997, SEC.3.

IC 4-22

ARTICLE 22. ADMINISTRATIVE RULES AND PROCEDURES

IC 4-22-1

Repealed

(Repealed by P.L.18-1986, SEC.2.)

IC 4-22-2

Chapter 2. Adoption of Administrative Rules

IC 4-22-2-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to this chapter by P.L.44-1995 apply as follows:

(1) The amendments made to sections 13, 19, 23, 25, and 28 of this chapter apply to a rulemaking action that commences after June 30, 1995.

(2) The addition of sections 23.1 and 46 (repealed) of this chapter applies to a rulemaking action that commences after June 30, 1995.

As added by P.L.220-2011, SEC.44. Amended by P.L.53-2014, SEC.54.

IC 4-22-2-0.3

Legalization of certain rules adopted without approval of fire prevention and building safety commission

Sec. 0.3. The adoption of any rule by a state agency without the approval of the fire prevention and building safety commission before July 1, 1987, is legalized and validated.

As added by P.L.220-2011, SEC.45.

IC 4-22-2-0.5

Effect to be given to provisions of P.L.229-2011; publication

Sec. 0.5. The general assembly recognizes that the general assembly has enacted more than one (1) act in the 2011 legislative session amending IC 4-22-2-37.1, including P.L.11-2011, P.L.42-2011, P.L.119-2011, and P.L.175-2011. The general assembly has incorporated the changes made in those acts into the version of IC 4-22-2-37.1 amended by P.L.229-2011. It is the intent of the general assembly that to the extent there is a conflict between the version of IC 4-22-2-37.1 enacted in P.L.229-2011 and an amendment made to IC 4-22-2-37.1 by any other act, the version of IC 4-22-2-37.1 amended by P.L.229-2011 be given effect. The publisher is directed to publish only the version of IC 4-22-2-37.1 enacted in P.L.229-2011 in the Indiana Code.

As added by P.L.63-2012, SEC.4.

IC 4-22-2-1

Repealed

(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-2

Repealed

(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-3
Definitions

Sec. 3. (a) "Agency" means any officer, board, commission, department, division, bureau, committee, or other governmental entity exercising any of the executive (including the administrative) powers of state government. The term does not include the judicial or legislative departments of state government or a political subdivision as defined in IC 36-1-2-13.

(b) "Rule" means the whole or any part of an agency statement of general applicability that:

(1) has or is designed to have the effect of law; and

(2) implements, interprets, or prescribes:

(A) law or policy; or

(B) the organization, procedure, or practice requirements of an agency.

(c) "Rulemaking action" means the process of formulating or adopting a rule. The term does not include an agency action.

(d) "Agency action" has the meaning set forth in IC 4-21.5-1-4.

(e) "Person" means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

(f) "Publisher" refers to the publisher of the Indiana Register and Indiana Administrative Code, which is the legislative council, or the legislative services agency operating under the direction of the council.

(g) The definitions in this section apply throughout this article.

(Formerly: Acts 1945, c.120, s.3; Acts 1967, c.183, s.1.) As amended by Acts 1977, P.L.38, SEC.2; Acts 1978, P.L.17, SEC.1; Acts 1979, P.L.25, SEC.1; Acts 1980, P.L.74, SEC.6; Acts 1982, P.L.27, SEC.1; P.L.31-1985, SEC.1; P.L.7-1987, SEC.5; P.L.8-1993, SEC.28.

IC 4-22-2-3.2
Repealed

(As added by P.L.291-2013, SEC.4. Repealed by P.L.53-2014, SEC.55.)

IC 4-22-2-4
Repealed

(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-4.5
Repealed

(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-5
Repealed

(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-5.3
Repealed
(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-5.5
Repealed
(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-6
Repealed
(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-7
Repealed
(Repealed by Acts 1977, P.L.38, SEC.8.)

IC 4-22-2-7.1
Repealed
(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-8
Repealed
(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-9
Repealed
(Repealed by Acts 1977, P.L.38, SEC.8.)

IC 4-22-2-10
Repealed
(Repealed by Acts 1977, P.L.38, SEC.8.)

IC 4-22-2-11
Repealed
(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-12
Repealed
(Repealed by P.L.31-1985, SEC.50.)

IC 4-22-2-13
Application of chapter
Sec. 13. (a) Subject to subsections (b), (c), and (d), this chapter applies to the addition, amendment, or repeal of a rule in every rulemaking action.

(b) This chapter does not apply to the following agencies:

(1) Any military officer or board.

(2) Any state educational institution.

(c) This chapter does not apply to a rulemaking action that results in any of the following rules:

(1) A resolution or directive of any agency that relates solely to internal policy, internal agency organization, or internal procedure and does not have the effect of law.

(2) A restriction or traffic control determination of a purely local nature that:

(A) is ordered by the commissioner of the Indiana department of transportation;

(B) is adopted under IC 9-20-1-3(d), IC 9-21-4-7, or IC 9-20-7; and

(C) applies only to one (1) or more particularly described intersections, highway portions, bridge causeways, or viaduct areas.

(3) A rule adopted by the secretary of state under IC 26-1-9.1-526.

(4) An executive order or proclamation issued by the governor.

(d) Except as specifically set forth in IC 13-14-9, sections 24, 26, 27, and 29 of this chapter do not apply to rulemaking actions under IC 13-14-9.

As added by P.L.31-1985, SEC.2. Amended by P.L.18-1990, SEC.8; P.L.2-1991, SEC.21; P.L.34-1993, SEC.1; P.L.44-1995, SEC.1; P.L.1-1996, SEC.28; P.L.57-2000, SEC.1; P.L.2-2007, SEC.52.

IC 4-22-2-14

Procedural rights and duties

Sec. 14. This chapter creates only procedural rights and imposes only procedural duties. These procedural rights and duties are in addition to those created and imposed by other law.

As added by P.L.31-1985, SEC.3.

IC 4-22-2-15

Delegation of rulemaking actions

Sec. 15. Any rulemaking action that this chapter allows or requires an agency to perform, other than final adoption of a rule under section 29 or 37.1 of this chapter, may be performed by the individual or group of individuals with the statutory authority to adopt rules for the agency, a member of the agency's staff, or another agent of the agency. Final adoption of a rule under section 29 or 37.1 of this chapter, including readoption of a rule that is subject to sections 24 through 36 or to section 37.1 of this chapter and recalled for further consideration under section 40 of this chapter, may be performed only by the individual or group of individuals with the statutory authority to adopt rules for the agency.

As added by P.L.31-1985, SEC.4. Amended by P.L.1-1991, SEC.15.

IC 4-22-2-16

"Governing body", "public agency", and "official action" defined

Sec. 16. For the purposes of this section, "governing body", "public agency", and "official action" have the meanings set forth in IC 5-14-1.5. When a governing body of a public agency performs an official action under this chapter, the agency shall comply with IC 5-14-1.5 (the Open Door Law).
As added by P.L.31-1985, SEC.5.

IC 4-22-2-17
Public access to rules and proposed rules

Sec. 17. (a) IC 5-14-3 applies to the text of a rule that an agency intends to adopt from the earlier of the date that the agency takes any action under section 24 of this chapter, otherwise notifies the public of its intent to adopt a rule under any statute, or adopts the rule.

(b) IC 5-14-3 applies both to a rule and to the full text of a matter directly or indirectly incorporated by reference into the rule.
As added by P.L.31-1985, SEC.6.

IC 4-22-2-18
Joint rules

Sec. 18. (a) If more than one (1) agency is required by statute to adopt the same rule, the agencies may publish a joint notice of a public hearing and conduct a joint public hearing. However, each agency shall separately draft and adopt a rule that covers the same subject matter.

(b) If an agency is authorized to adopt a rule and one (1) or more agencies are required to approve the rule, only the agency that is authorized to adopt the rule is required to comply with this chapter.
As added by P.L.31-1985, SEC.7.

IC 4-22-2-19
Action preceding effectiveness of authorizing statute

Sec. 19. (a) Except as provided in section 23.1 of this chapter, this section does not apply to the adoption of rules:

(1) required to receive or maintain:
  (A) delegation;
  (B) primacy; or
  (C) approval;
for state implementation or operation of a program established under federal law;
(2) that amend an existing rule;
(3) required or authorized by statutes enacted before June 30, 1995; or
(4) required or authorized by statutes enacted before June 30, 1995, and recodified in the same or similar form after June 29, 1995, in response to a program of statutory recodification conducted by the code revision commission.

(b) If an agency will have statutory authority to adopt a rule at the time that the rule becomes effective, the agency may conduct any

part of its rulemaking action before the statute authorizing the rule becomes effective.

(c) However, an agency shall:

(1) begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule; or

(2) if an agency cannot comply with subdivision (1), provide electronic notice to the publisher stating the reasons for the agency's noncompliance.

As added by P.L.31-1985, SEC.8. Amended by P.L.44-1995, SEC.2; P.L.215-2005, SEC.1; P.L.123-2006, SEC.2; P.L.53-2014, SEC.56.

IC 4-22-2-19.1

Retroactive changes affecting taxpayer liability

Sec. 19.1. A state agency may not retroactively apply a change in the agency's interpretation of a statute, regulation, or one of the agency's information bulletins, if that change increases a taxpayer's liability for a state tax or a property tax.

As added by P.L.17-1996, SEC.1.

IC 4-22-2-19.5

Standards for rules

Sec. 19.5. (a) To the extent possible, a rule adopted under this article or under IC 13-14-9.5 shall comply with the following:

(1) Minimize the expenses to:

(A) regulated entities that are required to comply with the rule;

(B) persons who pay taxes or pay fees for government services affected by the rule; and

(C) consumers of products and services of regulated entities affected by the rule.

(2) Achieve the regulatory goal in the least restrictive manner.

(3) Avoid duplicating standards found in state or federal laws.

(4) Be written for ease of comprehension.

(5) Have practicable enforcement.

(b) Subsection (a) does not apply to a rule that must be adopted in a certain form to comply with federal law.

As added by P.L.17-1996, SEC.2.

IC 4-22-2-19.7

Agency rules; public comment

Sec. 19.7. An agency, to the extent feasible and permitted by law, shall afford the public a meaningful opportunity to comment on proposed rules through the agency's Internet web site. An agency shall consider providing a comment period that exceeds the minimum required by law.

As added by P.L.152-2012, SEC.5.

IC 4-22-2-20

Submission of rules and other documents; form

Sec. 20. (a) Whenever an agency submits a rule to the publisher, the attorney general, or the governor under this chapter, the agency shall submit the rule in the form of a written document that:

(1) is clear, concise, and easy to interpret and to apply; and

(2) uses the format, numbering system, standards, and techniques established under section 42 of this chapter.

(b) After June 30, 2006, all documents submitted to the publisher under this chapter must be submitted electronically in the format specified by the publisher.

As added by P.L.31-1985, SEC.9. Amended by P.L.215-2005, SEC.2; P.L.123-2006, SEC.3; P.L.291-2013, SEC.5; P.L.53-2014, SEC.57.

IC 4-22-2-21 Version a

Incorporation by reference

Note: This version of section effective until 7-1-2016. See also following version of this section, effective 7-1-2016.

Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference into a rule part or all of any of the following matters:

(1) A federal or state statute, rule, or regulation.

(2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.

(3) A manual of the department of local government finance adopted in a rule described in IC 6-1.1-31-9.

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described.

(c) An agency may refer to a matter that is directly or indirectly referred to in a primary matter by fully and exactly describing the primary matter.

(d) Whenever an agency submits a rule to the attorney general, the governor, or the publisher under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

(1) An Indiana statute or rule.

(2) A form or instructions for a form numbered by the Indiana archives and record administration under IC 5-15-5.1-6.

(3) The source of a statement that is quoted or paraphrased in full in the rule.

(4) Any matter that has been previously filed with the:

(A) secretary of state before July 1, 2006; or

(B) publisher after June 30, 2006.

(5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.

(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated

by reference.
As added by P.L.31-1985, SEC.10. Amended by P.L.34-1993, SEC.2; P.L.6-1997, SEC.4; P.L.90-2002, SEC.9; P.L.28-2004, SEC.43; P.L.123-2006, SEC.4; P.L.149-2016, SEC.10.

IC 4-22-2-21 Version b
Incorporation by reference

Note: This version of section effective 7-1-2016. See also preceding version of this section, effective until 7-1-2016.

Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference into a rule part or all of any of the following matters:

(1) A federal or state statute, rule, or regulation.

(2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.

(3) A manual of the department of local government finance adopted in a rule described in IC 6-1.1-31-9.

(4) The following requirements:

(A) The schedule, electronic formatting, and standard data, field, and record coding requirements for:

(i) the electronic data file under IC 6-1.1-4-25 concerning the parcel characteristics and parcel assessments of all parcels and personal property return characteristics and assessments; and

(ii) the electronic data file under IC 36-2-9-20 concerning the tax duplicate.

(B) The schedule, electronic formatting, and standard data, field, and record coding requirements for data required to be submitted under IC 6-1.1-5.5-3 or IC 6-1.1-11-8.

(C) Data export and transmission format requirements for information described in clauses (A) and (B).

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described.

(c) An agency may refer to a matter that is directly or indirectly referred to in a primary matter by fully and exactly describing the primary matter.

(d) Whenever an agency submits a rule to the attorney general, the governor, or the publisher under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

(1) An Indiana statute or rule.

(2) A form or instructions for a form numbered by the Indiana archives and record administration under IC 5-15-5.1-6.

(3) The source of a statement that is quoted or paraphrased in full in the rule.

(4) Any matter that has been previously filed with the:

(A) secretary of state before July 1, 2006; or
(B) publisher after June 30, 2006.
(5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.
(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated by reference.
As added by P.L.31-1985, SEC.10. Amended by P.L.34-1993, SEC.2; P.L.6-1997, SEC.4; P.L.90-2002, SEC.9; P.L.28-2004, SEC.43; P.L.123-2006, SEC.4; P.L.149-2016, SEC.10; P.L.204-2016, SEC.7.

IC 4-22-2-22
Attorney general as legal advisor
Sec. 22. The attorney general is the legal advisor to all agencies in the drafting and preparation of rules.
As added by P.L.31-1985, SEC.11.

IC 4-22-2-22.5
Agency rulemaking docket
Sec. 22.5. (a) This section applies to a rule that an agency intends to adopt under sections 24 through 36 of this chapter.
(b) As used in this section, "pending rulemaking action" means any rulemaking action in which:
(1) either:
(A) a notice of intent has been published under section 23 of this chapter; or
(B) a rulemaking action has been commenced under IC 13-14-9; and
(2) the rule has not become effective under section 36 of this chapter.
(c) Each agency shall maintain a current rulemaking docket that is indexed.
(d) A current rulemaking docket must list each pending rulemaking action. The docket must state or contain:
(1) the subject matter of the proposed rule;
(2) notices related to the proposed rule, or links to the Indiana Register where these notices may be viewed;
(3) how comments may be made;
(4) the time within which comments may be made;
(5) where comments and the agency's written response to those comments may be inspected;
(6) the date, time, and place where a public hearing required under:
(A) section 26 of this chapter; or
(B) IC 13-14-9;
will be held;
(7) a description of relevant scientific and technical findings related to the proposed rule, if applicable; and

(8) a reasonable estimate of the timetable for action, updated periodically as circumstances change, if necessary.

(e) The agency shall maintain the rulemaking docket on the agency's Internet web site. The information must be in an open format that can be easily searched and downloaded. Access to the docket shall, to the extent feasible and permitted by law, provide an opportunity for public comment on the pertinent parts of the rulemaking docket, including relevant scientific and technical findings. Upon request, the agency shall provide a written rulemaking docket.

As added by P.L.152-2012, SEC.6. Amended by P.L.72-2014, SEC.7.

IC 4-22-2-23

Notice of intent to adopt rule; solicitation of comments; response

Sec. 23. (a) This section does not apply to rules adopted under IC 4-22-2-37.1.

(b) At least twenty-eight (28) days before an agency notifies the public of the agency's intention to adopt a rule under section 24 of this chapter, the agency shall notify the public of its intention to adopt a rule by publishing a notice of intent to adopt a rule in the Indiana Register. The publication notice must include an overview of the intent and scope of the proposed rule and the statutory authority for the rule.

(c) The requirement to publish a notice of intent to adopt a rule under subsection (b) does not apply to rulemaking under IC 13-14-9.

(d) In addition to the procedures required by this article, an agency may solicit comments from the public on the need for a rule, the drafting of a rule, or any other subject related to a rulemaking action, including members of the public who are likely to be affected because they are the subject of the potential rulemaking or are likely to benefit from the potential rulemaking. The procedures that the agency may use include the holding of conferences and the inviting of written suggestions, facts, arguments, or views.

(e) The agency shall prepare a written response that contains a summary of the comments received during any part of the rulemaking process. The written response is a public document. The agency shall make the written response available to interested parties upon request.

As added by P.L.31-1985, SEC.12. Amended by P.L.44-1995, SEC.3; P.L.1-1996, SEC.29; P.L.215-2005, SEC.3; P.L.152-2012, SEC.7.

IC 4-22-2-23.1

Solicitation of comments

Sec. 23.1. (a) This section and section 19(b) of this chapter do not apply to rules adopted under IC 4-22-2-37.1.

(b) Before or after an agency notifies the public of its intention to adopt a rule under section 24 of this chapter, the agency may solicit comments from all or any segment of the public on the need for a

rule, the drafting of a rule, or any other subject related to a rulemaking action. The procedures that the agency may use include the holding of conferences and the inviting of written suggestions, facts, arguments, or views. An agency's failure to consider comments received under this section does not invalidate a rule subsequently adopted.

As added by P.L.44-1995, SEC.4. Amended by P.L.123-2006, SEC.5.

IC 4-22-2-24

Notice of public hearing; publication of rule's text; statement justifying requirements and costs

Sec. 24. (a) An agency shall notify the public of its intention to adopt a rule by complying with the publication requirements in subsections (b) and (c).

(b) The agency shall cause a notice of a public hearing to be published once in one (1) newspaper of general circulation in Marion County, Indiana. To publish the newspaper notice, the agency shall directly contract with the newspaper. An agency may not contract for the publication of a notice under this chapter until the agency has received a written or an electronic authorization to proceed from the publisher under subsection (g).

(c) The agency shall cause a notice of public hearing and the full text of the agency's proposed rule (excluding the full text of a matter incorporated by reference under section 21 of this chapter) to be published once in the Indiana Register. To publish the notice and proposed rule in the Indiana Register, the agency shall submit the text to the publisher in accordance with subsection (g). The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) The agency shall include the following in the notice required by subsections (b) and (c):

(1) A statement of the date, time, and place at which the public hearing required by section 26 of this chapter will be convened.

(2) A general description of the subject matter of the proposed rule.

(3) In a notice published after June 30, 2005, a statement justifying any requirement or cost that is:

(A) imposed on a regulated entity under the rule; and

(B) not expressly required by:

(i) the statute authorizing the agency to adopt the rule; or

(ii) any other state or federal law.

The statement required under this subdivision must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

(4) an explanation that:

(A) the proposed rule; and

(B) any data, studies, or analysis referenced in a statement under subdivision (3);

may be inspected and copied at the office of the agency.

However, inadequacy or insufficiency of the subject matter description under subdivision (2) or a statement of justification under subdivision (3) in a notice does not invalidate a rulemaking action.

(e) Although the agency may comply with the publication requirements in this section on different days, the agency must comply with all of the publication requirements in this section at least twenty-one (21) days before the public hearing required by section 26 of this chapter is convened.

(f) This section does not apply to the solicitation of comments under section 23 of this chapter.

(g) The publisher shall review materials submitted under this section and determine the date that the publisher intends to include the material in the Indiana Register. After:

(1) establishing the intended publication date; and

(2) receiving the public hearing information specified in subsection (d) from the agency;

the publisher shall provide a written or an electronic mail authorization to proceed to the agency.

As added by P.L.31-1985, SEC.13. Amended by P.L.188-2005, SEC.1; P.L.215-2005, SEC.4; P.L.239-2005, SEC.1; P.L.1-2006, SEC.71.

IC 4-22-2-25

Limitation on time in which to adopt rule

Sec. 25. (a) An agency has one (1) year from the date that it publishes a notice of intent to adopt a rule in the Indiana Register under section 23 of this chapter to comply with sections 26 through 33 of this chapter and obtain the approval or deemed approval of the governor. If an agency determines that a rule cannot be adopted within one (1) year after the publication of the notice of intent to adopt a rule under section 23 of this chapter, the agency shall, before the two hundred fiftieth day following the publication of the notice of intent to adopt a rule under section 23 of this chapter, notify the publisher by electronic means:

(1) the reasons why the rule was not adopted and the expected date the rule will be completed; and

(2) the expected date the rule will be approved or deemed approved by the governor or withdrawn under section 41 of this chapter.

(b) If a rule is not approved before the later of:

(1) one (1) year after the agency publishes notice of intent to adopt the rule under section 23 of this chapter; or

(2) the expected date contained in a notice concerning the rule that is provided to the publisher under subsection (a);

a later approval or deemed approval is ineffective, and the rule may become effective only through another rulemaking action initiated under this chapter.
As added by P.L.31-1985, SEC.14. Amended by P.L.44-1995, SEC.5; P.L.123-2006, SEC.6; P.L.53-2014, SEC.58; P.L.5-2015, SEC.6.

IC 4-22-2-26
Public hearings

Sec. 26. (a) After the notices and the text of an agency's proposed rule are published under section 24 of this chapter, the agency shall conduct a public hearing on the proposed rule.

(b) The agency shall convene the public hearing on the date and at the time and place stated in its notices.

(c) The agency may conduct the public hearing in any informal manner that allows for an orderly presentation of comments and avoids undue repetition. However, the agency shall afford any person attending the public hearing an adequate opportunity to comment on the agency's proposed rule through the presentation of oral and written facts or argument.

(d) The agency may recess the public hearing and reconvene it on a different date or at a different time or place by:

(1) announcing the date, time, and place of the reconvened public hearing in the original public hearing before its recess; and

(2) recording the announcement in the agency's record of the public hearing.

(e) An agency that complies with subsection (d) is not required to give any further notice of a public hearing that is to be reconvened.
As added by P.L.31-1985, SEC.15.

IC 4-22-2-27
Consideration of comments received at public hearings

Sec. 27. The individual or group of individuals who will finally adopt the rule under section 29 of this chapter shall fully consider comments received at the public hearing required by section 26 of this chapter and may consider any other information before adopting the rule. Attendance at the public hearing or review of a written record or summary of the public hearing is sufficient to constitute full consideration.
As added by P.L.31-1985, SEC.16.

IC 4-22-2-28
Fiscal impact of rules; review

Sec. 28. (a) The following definitions apply throughout this section:

(1) "Ombudsman" refers to the small business ombudsman designated under IC 4-4-35-8.

(2) "Total estimated economic impact" means the direct annual

economic impact of a rule on all regulated persons after the rule is fully implemented under subsection (g).

(b) The ombudsman:

(1) shall review a proposed rule that:

(A) imposes requirements or costs on small businesses (as defined in IC 4-22-2.1-4); and

(B) is referred to the ombudsman by an agency under IC 4-22-2.1-5(c); and

(2) may review a proposed rule that imposes requirements or costs on businesses other than small businesses (as defined in IC 4-22-2.1-4).

After conducting a review under subdivision (1) or (2), the ombudsman may suggest alternatives to reduce any regulatory burden that the proposed rule imposes on small businesses or other businesses. The agency that intends to adopt the proposed rule shall respond in writing to the ombudsman concerning the ombudsman's comments or suggested alternatives before adopting the proposed rule under section 29 of this chapter.

(c) Subject to subsection (e) and not later than fifty (50) days before the public hearing for a proposed rule required by section 26 of this chapter, an agency shall submit the proposed rule to the office of management and budget for a review under subsection (d), if the agency proposing the rule determines that the rule will have a total estimated economic impact greater than five hundred thousand dollars ($500,000) on all regulated persons. In determining the total estimated economic impact under this subsection, the agency shall consider any applicable information submitted by the regulated persons affected by the rule. To assist the office of management and budget in preparing the fiscal impact statement required by subsection (d), the agency shall submit, along with the proposed rule, the data used and assumptions made by the agency in determining the total estimated economic impact of the rule.

(d) Except as provided in subsection (e), before the adoption of the rule, and not more than forty-five (45) days after receiving a proposed rule under subsection (c), the office of management and budget shall prepare, using the data and assumptions provided by the agency proposing the rule, along with any other data or information available to the office of management and budget, a fiscal impact statement concerning the effect that compliance with the proposed rule will have on:

(1) the state; and

(2) all persons regulated by the proposed rule.

The fiscal impact statement must contain the total estimated economic impact of the proposed rule and a determination concerning the extent to which the proposed rule creates an unfunded mandate on a state agency or political subdivision. The fiscal impact statement is a public document. The office of management and budget shall make the fiscal impact statement available to interested

parties upon request and to the agency proposing the rule. The agency proposing the rule shall consider the fiscal impact statement as part of the rulemaking process and shall provide the office of management and budget with the information necessary to prepare the fiscal impact statement, including any economic impact statement prepared by the agency under IC 4-22-2.1-5. The office of management and budget may also receive and consider applicable information from the regulated persons affected by the rule in preparation of the fiscal impact statement.

(e) With respect to a proposed rule subject to IC 13-14-9:

(1) the department of environmental management shall give written notice to the office of management and budget of the proposed date of preliminary adoption of the proposed rule not less than sixty-six (66) days before that date; and

(2) the office of management and budget shall prepare the fiscal impact statement referred to in subsection (d) not later than twenty-one (21) days before the proposed date of preliminary adoption of the proposed rule.

(f) In determining whether a proposed rule has a total estimated economic impact greater than five hundred thousand dollars ($500,000), the agency proposing the rule shall consider the impact of the rule on any regulated person that already complies with the standards imposed by the rule on a voluntary basis.

(g) For purposes of this section, a rule is fully implemented after:

(1) the conclusion of any phase-in period during which:

(A) the rule is gradually made to apply to certain regulated persons; or

(B) the costs of the rule are gradually implemented; and

(2) the rule applies to all regulated persons that will be affected by the rule.

In determining the total estimated economic impact of a proposed rule under this section, the agency proposing the rule shall consider the annual economic impact on all regulated persons beginning with the first twelve (12) month period after the rule is fully implemented. The agency may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The agency shall describe any assumptions made and any data used in determining the total estimated economic impact of a rule under this section.

(h) An agency shall provide the legislative council in an electronic format under IC 5-14-6 with any analysis, data, and description of assumptions submitted to the office of management and budget under this section or section 40 of this chapter at the same time the agency submits the information to the office of management and budget. The office of management and budget shall provide the legislative council in an electronic format under IC 5-14-6 any fiscal impact statement and related supporting documentation prepared by the office of management and budget under this section or section 40 of

this chapter at the same time the office of management and budget provides the fiscal impact statement to the agency proposing the rule. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

(i) An agency shall provide the legislative council in an electronic format under IC 5-14-6 with any economic impact or fiscal impact statement, including any supporting data, studies, or analysis, prepared for a rule proposed by the agency or subject to readoption by the agency to comply with:

(1) a requirement in section 19.5 of this chapter to minimize the expenses to regulated entities that are required to comply with the rule;

(2) a requirement in section 24 of this chapter to publish a justification of any requirement or cost that is imposed on a regulated entity under the rule;

(3) a requirement in IC 4-22-2.1-5 to prepare a statement that describes the annual economic impact of a rule on all small businesses after the rule is fully implemented;

(4) a requirement in IC 4-22-2.5-3.1 to conduct a review to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses;

(5) a requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish information concerning the fiscal impact of a rule or alternatives to a rule subject to these provisions; or

(6) a requirement under any other law to conduct an analysis of the cost, economic impact, or fiscal impact of a rule;

regardless of whether the total estimated economic impact of the proposed rule is more than five hundred thousand dollars ($500,000), as soon as practicable after the information is prepared. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

As added by P.L.31-1985, SEC.17. Amended by P.L.44-1995, SEC.6; P.L.17-1996, SEC.3; P.L.240-2003, SEC.2; P.L.4-2005, SEC.20; P.L.188-2005, SEC.2; P.L.226-2005, SEC.1; P.L.123-2006, SEC.7; P.L.110-2010, SEC.2; P.L.291-2013, SEC.6; P.L.187-2014, SEC.9; P.L.53-2014, SEC.59; P.L.5-2015, SEC.7.

IC 4-22-2-28.1

Small business regulatory coordinator; contact information; guidance to small businesses; record of comments received; annual report

Sec. 28.1. (a) This section applies to the following:

(1) A rule for which the notice required by section 23 of this chapter or by IC 13-14-9-3 is published by an agency or the

board (as defined in IC 13-13-8-1).

(2) A rule for which:

(A) the notice required by IC 13-14-9-3; or

(B) an appropriate later notice for circumstances described in subsection (g);

is published by the department of environmental management after June 30, 2006.

(b) As used in this section, "coordinator" refers to the small business regulatory coordinator assigned to a rule by an agency under subsection (e).

(c) As used in this section, "director" refers to the director or other administrative head of an agency.

(d) As used in this section, "small business" has the meaning set forth in IC 5-28-2-6.

(e) For each rulemaking action and rule finally adopted as a result of a rulemaking action by an agency under this chapter, the agency shall assign one (1) staff person to serve as the agency's small business regulatory coordinator with respect to the proposed or adopted rule. The agency shall assign a staff person to a rule under this subsection based on the person's knowledge of, or experience with, the subject matter of the rule. A staff person may serve as the coordinator for more than one (1) rule proposed or adopted by the agency if the person is qualified by knowledge or experience with respect to each rule. Subject to subsection (f):

(1) in the case of a proposed rule, the notice of intent to adopt the rule published under section 23 of this chapter; or

(2) in the case of a rule proposed by the department of environmental management or the board (as defined in IC 13-13-8-1), the notice published under IC 13-14-9-3 or the findings published under IC 13-14-9-8(b)(1), whichever applies;

must include the name, address, telephone number, and electronic mail address of the small business coordinator for the proposed rule, the name, address, telephone number, and electronic mail address of the small business ombudsman designated under IC 4-4-35-8, and a statement of the resources available to regulated entities through the small business ombudsman designated under IC 4-4-35-8. Subject to subsection (f), in the case of a rule finally adopted, the final rule, as published in the Indiana Register, must include the name, address, telephone number, and electronic mail address of the coordinator.

(f) This subsection applies to a rule adopted by the department of environmental management or the board (as defined in IC 13-13-8-1) under IC 13-14-9. Subject to subsection (g), the department shall include in the notice provided under IC 13-14-9-3 or in the findings published under IC 13-14-9-8(b)(1), whichever applies, and in the publication of the final rule in the Indiana Register:

(1) a statement of the resources available to regulated entities through the technical and compliance assistance program established under IC 13-28-3;

(2) the name, address, telephone number, and electronic mail address of the ombudsman designated under IC 13-28-3-2;

(3) if applicable, a statement of:

(A) the resources available to small businesses through the small business stationary source technical assistance program established under IC 13-28-5; and

(B) the name, address, telephone number, and electronic mail address of the ombudsman for small business designated under IC 13-28-5-2(3); and

(4) the information required by subsection (e).

The coordinator assigned to the rule under subsection (e) shall work with the ombudsman described in subdivision (2) and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under subsection (h) and IC 13-28-3. If applicable, the coordinator assigned to the rule under subsection (e) shall work with the ombudsman referred to in subdivision (3)(B) to coordinate the provision of services required under subsection (h) and IC 13-28-5.

(g) If the notice provided under IC 13-14-9-3 is not published as allowed by IC 13-14-9-7, the department of environmental management shall publish in the notice provided under IC 13-14-9-4 the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3. If neither the notice under IC 13-14-9-3 nor the notice under IC 13-14-9-4 is published as allowed by IC 13-14-9-8, the department of environmental management shall publish in the commissioner's written findings under IC 13-14-9-8(b) the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3.

(h) The coordinator assigned to a rule under subsection (e) shall serve as a liaison between the agency and any small business subject to regulation under the rule. The coordinator shall provide guidance to small businesses affected by the rule on the following:

(1) Any requirements imposed by the rule, including any reporting, record keeping, or accounting requirements.

(2) How the agency determines or measures compliance with the rule, including any deadlines for action by regulated entities.

(3) Any penalties, sanctions, or fines imposed for noncompliance with the rule.

(4) Any other concerns of small businesses with respect to the rule, including the agency's application or enforcement of the rule in particular situations. However, in the case of a rule adopted under IC 13-14-9, the coordinator assigned to the rule may refer a small business with concerns about the application or enforcement of the rule in a particular situation to the ombudsman designated under IC 13-28-3-2 or, if applicable, under IC 13-28-5-2(3).

(i) The coordinator assigned to a rule under subsection (e) shall provide guidance under this section in response to questions and

concerns expressed by small businesses affected by the rule. The coordinator may also issue general guidelines or informational pamphlets to assist small businesses in complying with the rule. Any guidelines or informational pamphlets issued under this subsection shall be made available:

(1) for public inspection and copying at the offices of the agency under IC 5-14-3; and

(2) electronically through electronic gateway access.

(j) The coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director:

(1) not later than ten (10) days after the date on which the rule is submitted to the publisher under section 35 of this chapter; and

(2) before July 15 of each year during which the rule remains in effect.

The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

(k) Not later than November 1 of each year, the director shall:

(1) compile the records received from all of the agency's coordinators under subsection (j);

(2) prepare a report that sets forth:

(A) the number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved;

(B) the number of complaints or questions reported under clause (A) that were resolved to the satisfaction of the agency and the small businesses involved;

(C) the total number of staff serving as coordinators under this section during the most recent state fiscal year;

(D) the agency's costs in complying with this section during the most recent state fiscal year; and

(E) the projected budget required by the agency to comply with this section during the current state fiscal year; and

(3) deliver the report to the legislative council in an electronic format under IC 5-14-6 and to the small business ombudsman designated under IC 4-4-35-8.

As added by P.L.239-2005, SEC.2. Amended by P.L.100-2006, SEC.2; P.L.123-2006, SEC.8; P.L.110-2010, SEC.3; P.L.133-2012, SEC.7; P.L.187-2014, SEC.10.

IC 4-22-2-28.2

Notice of rule violation by small businesses; immunity from liability in administrative action; corrective action required;

confidentiality of information

Sec. 28.2. (a) This section applies to a violation described in subsection (c) that occurs after June 30, 2005. However, in the case of a violation of a rule adopted under IC 13-14-9 by the department of environmental management or the board (as defined in IC 13-13-8-1), the procedures set forth in IC 13-30-4-3 and IC 13-30-7 apply instead of this section.

(b) As used in this section, "small business" has the meaning set forth in section 28.1(d) of this chapter.

(c) Except as provided in subsection (d), a small business that voluntarily provides notice to an agency of the small business's actual or potential violation of a rule adopted by the agency under this chapter is immune from civil or criminal liability resulting from an agency action relating to the violation if the small business does the following:

(1) Provides written notice of the violation to the agency not later than forty-five (45) days after the small business knew or should have known that the violation occurred.

(2) Corrects the violation within a time agreed to by the agency and the small business. However, the small business shall be given at least ninety (90) days after the date of the notice described in subdivision (1) to correct the violation. The small business may correct the violation at any time before the expiration of the period agreed to under this subdivision.

(3) Cooperates with any reasonable request by the agency in any investigation initiated in response to the notice.

(d) A small business is not immune from civil or criminal liability relating to a violation of which the small business provides notice under subsection (c) if any of the following apply:

(1) The violation resulted in serious harm or in imminent and substantial endangerment to the public health, safety, or welfare.

(2) The violation resulted in a substantial economic benefit that afforded the small business a clear advantage over the small business's competitors.

(3) The small business has a pattern of continuous or repeated violations of the rule at issue or any other rules of the agency.

(e) Information that a small business provides under this section, including actions and documents that identify or describe the small business, to an agency in providing notice of the small business's actual or potential violation of a rule adopted by the agency is confidential, unless a clear and immediate danger to the public health, safety, or welfare or to the environment exists. Information described in this subsection may not be made available for use by the agency for purposes other than the purposes of this section without the consent of the small business.

(f) Voluntary notice of an actual or a potential violation of a rule that is provided by a small business under subsection (c) is not

admissible as evidence in a proceeding, other than an agency proceeding, to prove liability for the rule violation or the effects of the rule violation.
As added by P.L.239-2005, SEC.3. Amended by P.L.133-2012, SEC.8.

IC 4-22-2-29
Adoption of rules; adoption of revised version of proposed rule

Sec. 29. (a) As used in this section, "small business ombudsman" refers to the small business ombudsman designated under IC 4-4-35-8.

(b) After an agency has complied with sections 26, 27, and 28 of this chapter, the agency may:

(1) adopt a rule that is identical to a proposed rule published in the Indiana Register under section 24 of this chapter;

(2) subject to subsection (c), adopt a rule that consolidates part or all of two (2) or more proposed rules published in the Indiana Register under section 24 of this chapter and considered under section 27 of this chapter;

(3) subject to subsection (c), adopt part of one (1) or more proposed rules described in subdivision (2) in two (2) or more separate adoption actions; or

(4) subject to subsection (c), adopt a revised version of a proposed rule published under section 24 of this chapter and include provisions that did not appear in the published version, including any provisions recommended by the small business ombudsman under IC 4-22-2.1-6(a), if applicable.

(c) An agency may not adopt a rule that substantially differs from the version or versions of the proposed rule or rules published in the Indiana Register under section 24 of this chapter, unless it is a logical outgrowth of any proposed rule as supported by any written comments submitted:

(1) during the public comment period; or

(2) by the small business ombudsman under IC 4-22-2.1-6(a), if applicable.

As added by P.L.31-1985, SEC.18. Amended by P.L.12-1993, SEC.2; P.L.188-2005, SEC.3; P.L.109-2015, SEC.13.

IC 4-22-2-30
Repealed

(Repealed by P.L.44-1995, SEC.8.)

IC 4-22-2-31
Submission of rules to attorney general for approval

Sec. 31. After an agency has complied with section 29 of this chapter, or with IC 13-14-9-9(1) or IC 13-14-9-9(2), as applicable, the agency shall submit its rule to the attorney general for approval. The agency shall submit the following to the attorney general:

(1) The rule in the form required by section 20 of this chapter.
(2) The documents required by section 21 of this chapter.
(3) Written authorization to proceed issued by the publisher under section 24(g) of this chapter.
(4) Any other documents specified by the attorney general.

The attorney general may require the agency to submit any supporting documentation that the attorney general considers necessary for the attorney general's review under section 32 of this chapter. The agency may submit any additional supporting documentation the agency considers necessary.

As added by P.L.31-1985, SEC.20. Amended by P.L.34-1993, SEC.3; P.L.1-1996, SEC.30; P.L.215-2005, SEC.5; P.L.123-2006, SEC.9.

IC 4-22-2-32

Review of rule by attorney general; approval or disapproval

Sec. 32. (a) The attorney general shall review each rule submitted under section 31 of this chapter for legality.

(b) In the review, the attorney general shall determine whether the rule adopted by the agency complies with the requirements under section 29 of this chapter. The attorney general shall consider the following:

(1) The extent to which all persons affected by the adopted rule should have understood from the published rule or rules that their interests would be affected.
(2) The extent to which the subject matter of the adopted rule or the issues determined in the adopted rule are different from the subject matter or issues that were involved in the published rule or rules.
(3) The extent to which the effects of the adopted rule differ from the effects that would have occurred if the published rule or rules had been adopted instead.

In the review, the attorney general shall consider whether the adopted rule may constitute the taking of property without just compensation to an owner.

(c) Except as provided in subsections (d) and (h), the attorney general shall disapprove a rule under this section only if it:

(1) has been adopted without statutory authority;
(2) has been adopted without complying with this chapter;
(3) does not comply with requirements under section 29 of this chapter; or
(4) violates another law.

Otherwise, the attorney general shall approve the rule without making a specific finding of fact concerning the subjects.

(d) If an agency submits a rule to the attorney general without complying with section 20(a)(2) of this chapter, the attorney general may:

(1) disapprove the rule; or
(2) return the rule to the agency without disapproving the rule.

(e) If the attorney general returns a rule under subsection (d)(2), the agency may bring the rule into compliance with section 20(a)(2) of this chapter and resubmit the rule to the attorney general without readopting the rule.

(f) If the attorney general determines in the course of the review conducted under subsection (b) that a rule may constitute a taking of property, the attorney general shall advise the following:

(1) The governor.

(2) The agency head.

Advice given under this subsection shall be regarded as confidential attorney-client communication.

(g) The attorney general has forty-five (45) days from the date that an agency:

(1) submits a rule under section 31 of this chapter; or

(2) resubmits a rule under subsection (e);

to approve or disapprove the rule. If the attorney general neither approves nor disapproves the rule, the rule is deemed approved, and the agency may submit it to the governor for approval under section 33 of this chapter without the approval of the attorney general.

(h) For rules adopted under IC 13-14-9, the attorney general:

(1) shall determine whether the rule adopted by the agency under IC 13-14-9-9(2) is a logical outgrowth of the proposed rule as published under IC 13-14-9-5(a)(2) and of testimony presented at the board meeting held under IC 13-14-9-5(a)(3); and

(2) may disapprove a rule under this section only if the rule:

(A) has been adopted without statutory authority;

(B) has been adopted without complying with this chapter or IC 13-14-9;

(C) is not a logical outgrowth of the proposed rule as published under IC 13-14-9-5(a)(2) and of the testimony presented at the board meeting held under IC 13-14-9-5(a)(3); or

(D) violates another law.

As added by P.L.31-1985, SEC.21. Amended by P.L.36-1989, SEC.1; P.L.34-1993, SEC.4; P.L.12-1993, SEC.3; P.L.1-1996, SEC.31; P.L.1-2006, SEC.72.

IC 4-22-2-33

Submission of rules to governor for approval

Sec. 33. (a) After a rule has been approved or deemed approved under section 32 of this chapter, the agency shall submit the rule to the governor for approval. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter.

(b) The agency shall submit to the governor the copies of the rule and other documents specified in section 31 of this chapter.

As added by P.L.31-1985, SEC.22. Amended by P.L.215-2005,

SEC.6.

IC 4-22-2-34
Approval or disapproval of rule by governor

Sec. 34. (a) The governor may approve or disapprove a rule submitted under section 33 of this chapter with or without cause.

(b) The governor has fifteen (15) days from the date that an agency submits a rule under section 33 of this chapter to approve or disapprove the rule. However, the governor may take thirty (30) days to approve or disapprove the rule if the governor files a statement with the publisher within the first fifteen (15) days after an agency submits the rule that states that the governor intends to take an additional fifteen (15) days to approve or disapprove the rule. If the governor neither approves nor disapproves the rule within the allowed period, the rule is deemed approved, and the agency may submit the rule to the publisher without the approval of the governor.
As added by P.L.31-1985, SEC.23. Amended by P.L.123-2006, SEC.10.

IC 4-22-2-35
Submission of rule to publisher for filing

Sec. 35. (a) When a rule has been approved or deemed approved by the governor within the period allowed by section 25 of this chapter, the agency shall immediately submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter.

(b) The agency shall submit to the publisher the copies of the rule and other documents specified in section 31 of this chapter.

(c) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time the rule is accepted.

As added by P.L.31-1985, SEC.24. Amended by P.L.215-2005, SEC.7; P.L.123-2006, SEC.11.

IC 4-22-2-36
Effective date of rules

Sec. 36. A rule that has been accepted for filing under section 35 of this chapter takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date that is thirty (30) days from the date and time that the rule was accepted for filing under section 35 of this chapter.

(3) The effective date stated by the agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

As added by P.L.31-1985, SEC.25.

IC 4-22-2-37
Repealed
(Repealed by P.L.1-1990, SEC.35.)

IC 4-22-2-37.1
Emergency rules; submission to publisher; assignment of document control number; effective date; expiration; extension

Sec. 37.1. (a) The following do not apply to a rule adopted under this section:

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(b) A rule may be adopted under this section if a statute delegating authority to an agency to adopt rules authorizes adoption of such a rule:

(1) under this section; or

(2) in the manner provided by this section.

(c) After an agency adopts a rule under this section, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time that the rule is accepted.

(f) A rule adopted by an agency under this section takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(5) The statutory effective date for an emergency rule set forth in the statute authorizing the agency to adopt emergency rules.

(g) Unless otherwise provided by the statute authorizing adoption of the rule:

(1) a rule adopted under this section expires not later than

ninety (90) days after the rule is accepted for filing under subsection (e);

(2) a rule adopted under this section may be extended by adopting another rule under this section, but only for one (1) extension period; and

(3) for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(A) sections 24 through 36 of this chapter; or

(B) IC 13-14-9;

as applicable.

(h) This section may not be used to readopt a rule under IC 4-22-2.5.

(i) The publisher of the Indiana administrative code shall annually publish a list of agencies authorized to adopt rules under this section.

As added by P.L.1-1990, SEC.36. Amended by P.L.24-1990, SEC.1; P.L.27-1991, SEC.1; P.L.2-1991, SEC.22; P.L.28-1991, SEC.1; P.L.29-1991, SEC.1; P.L.26-1991, SEC.1; P.L.2-1992, SEC.38; P.L.24-1992, SEC.1; P.L.2-1993, SEC.36; P.L.3-1993, SEC.239; P.L.34-1993, SEC.5; P.L.35-1993, SEC.1; P.L.277-1993(ss), SEC.125; P.L.1-1994, SEC.10; P.L.16-1994, SEC.1; P.L.15-1994, SEC.1; P.L.2-1995, SEC.5; P.L.1-1995, SEC.37; P.L.45-1995, SEC.1; P.L.47-1995, SEC.1; P.L.46-1995, SEC.1; P.L.2-1996, SEC.212; P.L.1-1996, SEC.32; P.L.17-1996, SEC.4; P.L.2-1997, SEC.12; P.L.27-1997, SEC.1; P.L.79-1998, SEC.4; P.L.273-1999, SEC.160; P.L.204-2001, SEC.6; P.L.287-2001, SEC.1; P.L.283-2001, SEC.1; P.L.1-2002, SEC.10; P.L.120-2002, SEC.1; P.L.1-2003, SEC.9; P.L.235-2003, SEC.1; P.L.255-2003, SEC.1; P.L.141-2003, SEC.1; P.L.1-2004, SEC.1; P.L.23-2004, SEC.1; P.L.4-2005, SEC.21; P.L.179-2005, SEC.1; P.L.235-2005, SEC.61; P.L.47-2006, SEC.2; P.L.1-2006, SEC.73; P.L.91-2006, SEC.2; P.L.123-2006, SEC.12; P.L.1-2007, SEC.17; P.L.111-2007, SEC.1; P.L.204-2007, SEC.2; P.L.233-2007, SEC.1; P.L.218-2007, SEC.1; P.L.8-2008, SEC.1; P.L.2-2008, SEC.17; P.L.3-2008, SEC.9; P.L.90-2008, SEC.1; P.L.131-2009, SEC.1; P.L.160-2009, SEC.1; P.L.177-2009, SEC.1; P.L.1-2010, SEC.8; P.L.35-2010, SEC.2; P.L.113-2010, SEC.9; P.L.11-2011, SEC.1; P.L.42-2011, SEC.2; P.L.119-2011, SEC.1; P.L.175-2011, SEC.1; P.L.229-2011, SEC.58; P.L.25-2012, SEC.1; P.L.48-2012, SEC.2; P.L.78-2012, SEC.1; P.L.160-2012, SEC.6; P.L.77-2012, SEC.1; P.L.133-2012, SEC.9; P.L.140-2013, SEC.1.

IC 4-22-2-38

Certain nonsubstantive rules; adoption; submission to publisher; document control number; effective date; objections

Sec. 38. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) A rule that brings another rule into conformity with section 20 of this chapter.

(2) A rule that amends another rule to replace an inaccurate reference to a statute, rule, regulation, other text, governmental entity, or location with an accurate reference, when the inaccuracy is the result of the rearrangement of a federal or state statute, rule, or regulation under a different citation number, a federal or state transfer of functions from one (1) governmental entity to another, a change in the name of a federal or state governmental entity, or a change in the address of an entity.

(3) A rule correcting any other typographical, clerical, or spelling error in another rule.

(b) Sections 24 through 37.1 of this chapter do not apply to rules described in subsection (a).

(c) Notwithstanding any other statute, an agency may adopt a rule described by subsection (a) without complying with any statutory notice, hearing, adoption, or approval requirement. In addition, the governor may adopt a rule described in subsection (a) for an agency without the agency's consent or action.

(d) A rule described in subsection (a) shall be submitted to the publisher for the assignment of a document control number. The agency (or the governor, for the agency) shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) After a document control number is assigned, the agency (or the governor, for the agency) shall submit the rule to the publisher for filing. The agency (or the governor, for the agency) shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(f) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time that it is accepted.

(g) Subject to subsection (h), a rule described in subsection (a) takes effect on the latest of the following dates:

(1) The date that the rule being corrected by a rule adopted under this section becomes effective.

(2) The date that is forty-five (45) days from the date and time that the rule adopted under this section is accepted for filing under subsection (f).

(h) The governor or the attorney general may file an objection to a rule that is adopted under this section before the date that is forty-five (45) days from the date and time that the rule is accepted for filing under subsection (f). When filed with the publisher, the objection has the effect of invalidating the rule.

As added by P.L.31-1985, SEC.27. Amended by P.L.1-1991, SEC.16;

P.L.123-2006, SEC.13.

IC 4-22-2-39
Acceptance of rule for filing by publisher

Sec. 39. (a) When an agency submits a rule for filing under section 35, 37.1, or 38 of this chapter, the publisher may accept the rule for filing only if the following conditions are met:

(1) The following documents are submitted to allow the publisher to comply with IC 4-22-7-5:

(A) One (1) electronic copy of the rule.

(B) One (1) copy of any matters incorporated by reference under section 21 of this chapter in the format specified by the publisher.

(C) One (1) copy of any supporting documentation submitted under section 31 of this chapter in the format specified by the publisher.

(2) Each submitted copy includes a reference to the document control number assigned to the rule by the publisher.

(3) Each submitted copy indicates that the agency has conducted its rulemaking action in conformity with all procedures required by law. However, if section 31 of this chapter applies to the rule, the publisher shall rely on the approval of the attorney general as the basis for determining that the agency has complied with all procedures required before the date of the approval.

(b) If a rule includes a statement that the rule is not effective until:

(1) an agency has complied with requirements established by the federal or state government;

(2) a specific period of time has elapsed; or

(3) a date has occurred;

the agency has complied with subsection (a)(3) even if the described event or time has not occurred before the publisher reviews the rule under this section.

(c) The publisher shall take no more than three (3) business days to complete the review of a rule under this section.

As added by P.L.31-1985, SEC.28. Amended by P.L.19-1986, SEC.1; P.L.1-1991, SEC.17; P.L.215-2005, SEC.8; P.L.123-2006, SEC.14.

IC 4-22-2-40
Recall of rule; readoption

Sec. 40. (a) At any time before a rule is accepted for filing by the publisher under section 35, 37.1, or 38 of this chapter, the agency that adopted the rule may recall it. A rule may be recalled regardless of whether:

(1) the rule has been disapproved by the attorney general under section 32 of this chapter; or

(2) the rule has been disapproved by the governor under section 34 of this chapter.

(b) Sections 24 through 38 of this chapter do not apply to a recall action under this section. However, the agency shall distribute a notice of its recall action to the publisher for publication in the Indiana Register. Sections 24 and 26 of this chapter do not apply to a readoption action under subsection (c).

(c) After an agency recalls a rule, the agency may reconsider its adoption action and adopt an identical rule or a revised rule. However, if sections 24 through 36 of this chapter apply to the recalled rule, the readopted rule must comply with the requirements under section 29 of this chapter.

(d) The recall of a rule under this section voids any approval given after the rule was adopted and before the rule was recalled.

(e) If a rule is:

(1) subject to sections 31 and 33 of this chapter;

(2) recalled under subsection (a); and

(3) readopted under subsection (c);

the agency shall resubmit the readopted version of the recalled rule to the attorney general and the governor for approval. The attorney general and the governor have the full statutory period to approve or disapprove the readopted rule. If the recalled rule was submitted to the office of management and budget under section 28 of this chapter, the agency shall resubmit the readopted version of a recalled rule to the office of management and budget with sufficient information for the office of management and budget to evaluate whether its initial fiscal impact statement under section 28 of this chapter needs to be revised. The office of management and budget shall revise a fiscal impact statement under section 28 of this chapter if the fiscal impact of the readopted rule is substantially different from the recalled rule. The agency also shall comply with any other applicable approval requirement provided by statute.

(f) The readopted version of a recalled rule is effective only after the agency has complied with section 35, 37.1, or 38 of this chapter.

As added by P.L.31-1985, SEC.29. Amended by P.L.1-1991, SEC.18; P.L.12-1993, SEC.4; P.L.123-2006, SEC.15; P.L.291-2013, SEC.7; P.L.53-2014, SEC.60.

IC 4-22-2-41

Withdrawal of rule

Sec. 41. (a) At any time before a rule is accepted by the publisher for filing under section 35, 37.1, or 38 of this chapter, the agency that adopted the rule may withdraw it.

(b) Sections 24 through 40 of this chapter do not apply to a withdrawal action. However, the withdrawing agency shall distribute a notice of the withdrawal to the publisher for publication in the Indiana Register.

(c) The withdrawal of a rule under this section terminates the rulemaking action, and the withdrawn rule may become effective only through another rulemaking action initiated under this chapter.

As added by P.L.31-1985, SEC.30. Amended by P.L.1-1991, SEC.19; P.L.123-2006, SEC.16.

IC 4-22-2-42
Establishment of publishing format

Sec. 42. The publisher, with the assistance of the code revision commission, shall establish a format, a numbering system, standards, and techniques for agencies to use whenever they draft and prepare rules under this chapter.
As added by P.L.31-1985, SEC.31.

IC 4-22-2-43
Rules interpreting, implementing, or supplementing this chapter

Sec. 43. (a) Subject to section 42 of this chapter, the attorney general may adopt rules under this chapter to interpret or implement this chapter.

(b) An agency may adopt rules under this chapter to supplement the procedures in this chapter for its own rulemaking actions.
As added by P.L.31-1985, SEC.32.

IC 4-22-2-44
Failure to comply with provisions of this chapter; exception

Sec. 44. Except as provided in section 44.3 of this chapter, a rulemaking action that does not conform with this chapter is invalid, and a rule that is the subject of a noncomplying rulemaking action does not have the effect of law until it is adopted in conformity with this chapter. However, the failure of an agency to comply with section 20(a)(2) of this chapter does not invalidate the rulemaking action.
As added by P.L.31-1985, SEC.33. Amended by P.L.36-1989, SEC.2; P.L.1-2006, SEC.74; P.L.220-2011, SEC.46.

IC 4-22-2-44.3
Exceptions to section 44 of chapter

Sec. 44.3. (a) Notwithstanding the addition of section 44 of this chapter by P.L.31-1985, a rule that is in effect on August 31, 1985, is not invalidated by the passage of P.L.31-1985.

(b) Notwithstanding the addition of section 44 of this chapter by P.L.31-1985, a rule that is the subject of a rulemaking action before September 1, 1985, and:

(1) is not accepted for filing by the secretary of state before September 1, 1985; or

(2) is accepted for filing by the secretary of state before September 1, 1985, but is not effective before September 1, 1985;

is effective if it is adopted in conformity with the law in effect on August 31, 1985, or with this chapter, as in effect on the date of adoption of the rule.

(c) The format, numbering system, standards, and techniques that were developed by the legislative council for the drafting and preparation of rules before September 1, 1985, continue to apply to the drafting and preparation of rules until changed under P.L.31-1985.
As added by P.L.220-2011, SEC.47.

IC 4-22-2-45
Invalidity of rule; assertion; limitation

Sec. 45. A:
(1) claim; or
(2) defense;
that asserts that a rule is invalid on procedural grounds may not be asserted if the claim or defense is based on rulemaking procedures that were followed or should have been followed by a board described in IC 13-14-9-1 or the department in adopting a rule under this chapter unless the claim or defense that asserts the procedural defect is filed not more than two (2) years after the date the rule becomes effective. However, a claim may be filed or a defense raised at any time for an alleged procedural defect that is alleged to have caused substantial harm to the due process rights of an individual.
As added by P.L.34-1993, SEC.6. Amended by P.L.1-1996, SEC.33.

IC 4-22-2-46
Repealed

(As added by P.L.44-1995, SEC.7. Amended by P.L.17-1996, SEC.6; P.L.291-2013, SEC.8. Repealed by P.L.53-2014, SEC.61.)

IC 4-22-2.1

Chapter 2.1. Rules Affecting Small Businesses

IC 4-22-2.1-1

Application of chapter; exemption for certain rules

Sec. 1. Except for a rule that is the subject of a rulemaking action under IC 13-14-9, IC 22-12, IC 22-13, IC 22-14, or IC 22-15, this chapter applies to a rule for which the notice required by IC 4-22-2-23 is published by an agency after June 30, 2005.

As added by P.L.188-2005, SEC.4. Amended by P.L.139-2007, SEC.1.

IC 4-22-2.1-2

Application of definitions in rulemaking statute

Sec. 2. The definitions in IC 4-22-2-3 apply throughout this chapter.

As added by P.L.188-2005, SEC.4.

IC 4-22-2.1-3

Repealed

(As added by P.L.188-2005, SEC.4. Repealed by P.L.109-2015, SEC.14.)

IC 4-22-2.1-4

"Small business"

Sec. 4. As used in this chapter, "small business" has the meaning set forth in IC 5-28-2-6.

As added by P.L.188-2005, SEC.4. Amended by P.L.110-2010, SEC.4.

IC 4-22-2.1-4.5

"Small business ombudsman"

Sec. 4.5. As used in this chapter, "small business ombudsman" refers to the small business ombudsman designated under IC 4-4-35-8.

As added by P.L.109-2015, SEC.15.

IC 4-22-2.1-5

Rules affecting small businesses; economic impact statement required; full implementation of rules; submission of statement to small business ombudsman

Sec. 5. (a) If an agency intends to adopt a rule under IC 4-22-2 that will impose requirements or costs on small businesses, the agency shall prepare a statement that describes the annual economic impact of a rule on all small businesses after the rule is fully implemented as described in subsection (b). The statement required by this section must include the following:

(1) An estimate of the number of small businesses, classified by

industry sector, that will be subject to the proposed rule.

(2) An estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

(3) An estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule. The agency is not required to submit the proposed rule to the office of management and budget for a fiscal analysis under IC 4-22-2-28 unless the estimated economic impact of the rule is greater than five hundred thousand dollars ($500,000) on all regulated entities, as set forth in IC 4-22-2-28.

(4) A statement justifying any requirement or cost that is:

(A) imposed on small businesses by the rule; and

(B) not expressly required by:

(i) the statute authorizing the agency to adopt the rule; or

(ii) any other state or federal law.

The statement required by this subdivision must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

(5) A regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The analysis under this subdivision must consider the following methods of minimizing the economic impact of the proposed rule on small businesses:

(A) The establishment of less stringent compliance or reporting requirements for small businesses.

(B) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

(C) The consolidation or simplification of compliance or reporting requirements for small businesses.

(D) The establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.

(E) The exemption of small businesses from part or all of the requirements or costs imposed by the rule.

If the agency has made a preliminary determination not to implement one (1) or more of the alternative methods considered, the agency shall include a statement explaining the agency's reasons for the determination, including a reference to any data, studies, or analyses relied upon by the agency in making the determination.

(b) For purposes of subsection (a), a proposed rule will be fully implemented with respect to small businesses after:

(1) the conclusion of any phase-in period during which:

(A) the rule is gradually made to apply to small businesses

or certain types of small businesses; or

(B) the costs of the rule are gradually implemented; and

(2) the rule applies to all small businesses that will be affected by the rule.

In determining the total annual economic impact of the rule under subsection (a)(3), the agency shall consider the annual economic impact on all small businesses beginning with the first twelve (12) month period after the rule is fully implemented. The agency may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The agency shall describe any assumptions made and any data used in determining the total annual economic impact of a rule under subsection (a)(3).

(c) The agency shall:

(1) publish the statement required under subsection (a) in the Indiana Register as required by IC 4-22-2-24; and

(2) deliver a copy of the statement, along with the proposed rule, to the small business ombudsman not later than the date of publication under subdivision (1).

As added by P.L.188-2005, SEC.4. Amended by P.L.1-2006, SEC.75; P.L.123-2006, SEC.17; P.L.110-2010, SEC.5; P.L.187-2014, SEC.11; P.L.109-2015, SEC.16.

IC 4-22-2.1-6

Review by small business ombudsman; consideration of written comments by agency

Sec. 6. (a) Not later than seven (7) days before the date of the public hearing set forth in the agency's notice under IC 4-22-2-24, the small business ombudsman shall do the following:

(1) Review the proposed rule and economic impact statement submitted to the small business ombudsman by the agency under section 5(c) of this chapter.

(2) Submit written comments to the agency on the proposed rule and the economic impact statement prepared by the agency under section 5 of this chapter. The small business ombudsman's comments may:

(A) recommend that the agency implement one (1) or more of the regulatory alternatives considered by the agency under section 5(a)(5) of this chapter;

(B) suggest regulatory alternatives not considered by the agency under section 5(a)(5) of this chapter;

(C) recommend any other changes to the proposed rule that would minimize the economic impact of the proposed rule on small businesses; or

(D) recommend that the agency abandon or delay the rulemaking action until:

(i) more data on the impact of the proposed rule on small businesses can be gathered and evaluated; or

(ii) less intrusive or less costly alternative methods of

achieving the purpose of the proposed rule can be effectively implemented with respect to small businesses.

(b) Upon receipt of the small business ombudsman's written comments under subsection (a), the agency shall make the comments available:

(1) for public inspection and copying at the offices of the agency under IC 5-14-3;

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

(3) for distribution at the public hearing required by IC 4-22-2-26.

(c) Before finally adopting a rule under IC 4-22-2-29, and in the same manner that the agency considers public comments under IC 4-22-2-27, the agency must fully consider the comments submitted by the small business ombudsman under subsection (a). After considering the comments under this subsection, the agency may:

(1) adopt any version of the rule permitted under IC 4-22-2-29; or

(2) abandon or delay the rulemaking action as recommended by the small business ombudsman under subsection (a)(2)(D), if applicable.

As added by P.L.188-2005, SEC.4. Amended by P.L.198-2007, SEC.1; P.L.109-2015, SEC.17.

IC 4-22-2.1-7

Review of rule before readoption

Sec. 7. Before an agency may act under IC 4-22-2.5 to readopt a rule to which the chapter applies, the agency must conduct the review required under IC 4-22-2.5-3.1.

As added by P.L.188-2005, SEC.4.

IC 4-22-2.1-8

Small businesses' right of action to determine agency's compliance

Sec. 8. (a) This section applies to a small business that is adversely affected or aggrieved by a rule that:

(1) is subject to this chapter;

(2) is finally adopted by an agency under IC 4-22-2-29; and

(3) has taken effect under IC 4-22-2-36.

(b) Subject to subsection (c), a small business described in subsection (a) may file, in a court having jurisdiction, an action seeking a determination of the agency's compliance with the requirements of this chapter during the rulemaking process. Upon receipt of a complaint under this section, the court shall, at the earliest date possible, hear evidence on the matter and make a determination as to the agency's compliance with this chapter during the rulemaking process. If the court determines that the agency failed to comply with one (1) or more requirements of this chapter, the

court may issue an order or injunction enjoining the agency from enforcing the rule with respect to the complaining small business and any similarly situated small businesses. A determination of the court under this section is final, subject to the right of direct appeal by either party.

(c) A small business that seeks a determination by a court under subsection (b) must file the action described in subsection (b) not later than one year (1) after the date the rule described in subsection (a) takes effect under IC 4-22-2-36.

As added by P.L.188-2005, SEC.4. Amended by P.L.53-2014, SEC.62.

IC 4-22-2.5

Chapter 2.5. Expiration and Readoption of Administrative Rules

IC 4-22-2.5-1

Exceptions

Sec. 1. This chapter does not apply to the following:

(1) Rules adopted by the department of state revenue.

(2) Rules adopted by the department of local government finance.

(3) Rules adopted by the Indiana board of tax review.

(4) Rules adopted under IC 13-14-9 by the department of environmental management or a board that has rulemaking authority under IC 13.

(5) A rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions.

As added by P.L.17-1996, SEC.7. Amended by P.L.90-2002, SEC.10.

IC 4-22-2.5-1.1

Rules that do not expire

Sec. 1.1. (a) This section applies to the following:

(1) A rule that is required to receive or maintain:

(A) delegation;

(B) primacy; or

(C) approval;

for state implementation or operation of a program established under federal law.

(2) A rule that is required to begin or continue receiving federal funding for the implementation or operation of a program.

(b) A rule described in subsection (a) does not expire under this chapter. However, an agency shall readopt a rule described in this section before January 1 of the seventh year after the year in which the rule takes effect as set forth in this chapter.

As added by P.L.146-2001, SEC.1.

IC 4-22-2.5-2

Dates for expiration

Sec. 2. (a) Except as provided in subsection (b) or section 1.1 of this chapter, an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. The expiration date of a rule under this section is extended each time that a rule amending an unexpired rule takes effect. The rule, as amended, expires on January 1 of the seventh year after the year in which the amendment takes effect.

(b) An administrative rule that:

(1) was adopted under IC 4-22-2;

(2) is in force on December 31, 1995; and

(3) is not amended by a rule that takes effect after December 31, 1995, and before January 1, 2002;

expires not later than January 1, 2002.

(c) The determination of whether an administrative rule expires under this chapter shall be applied at the level of an Indiana Administrative Code section.

As added by P.L.17-1996, SEC.7. Amended by P.L.146-2001, SEC.2; P.L.215-2005, SEC.9.

IC 4-22-2.5-3

Procedures for readoption

Sec. 3. (a) An agency that wishes to readopt a rule that is subject to expiration under this chapter must:

(1) follow the procedure for adoption of administrative rules under IC 4-22-2; and

(2) for a rule that expires under this chapter after June 30, 2005, conduct any review required under section 3.1 of this chapter.

(b) An agency may adopt a rule under IC 4-22-2 in anticipation of a rule's expiration under this chapter.

(c) An agency may not use IC 4-22-2-37.1 to readopt a rule that is subject to expiration under this chapter.

As added by P.L.17-1996, SEC.7. Amended by P.L.188-2005, SEC.5.

IC 4-22-2.5-3.1

Readoption of rule affecting small businesses; review required; consideration of regulatory alternatives; reexamination of economic impact statement

Sec. 3.1. (a) This section applies to a rule that:

(1) expires under this chapter after June 30, 2005; and

(2) imposes requirements or costs on small businesses.

(b) As used in this section, "small business" has the meaning set forth in IC 4-22-2.1-4.

(c) Before an agency may act under section 3 of this chapter to readopt a rule described in subsection (a), the agency shall conduct a review to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses. In reviewing a rule under this section, the agency shall consider the following:

(1) The continued need for the rule.

(2) The nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency.

(3) The complexity of the rule, including any difficulties encountered by:

(A) the agency in administering the rule; or

(B) small businesses in complying with the rule.

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances.

(5) The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time.

(d) This subsection applies to a rule that was adopted through a rulemaking action initiated by the agency under IC 4-22-2-23 after June 30, 2005. In reviewing the rule under this section, the agency shall reexamine the most recent economic impact statement prepared by the agency under IC 4-22-2.1-5. The agency shall consider:

(1) the degree to which the factors analyzed in the statement have changed since the statement was prepared; and

(2) whether:

(A) any regulatory alternatives included in the statement under IC 4-22-2.1-5(a)(5); or

(B) any regulatory alternatives not considered by the agency at the time the statement was prepared;

could be implemented to replace one (1) or more of the rule's existing requirements.

(e) After conducting the review required by this section, the agency shall:

(1) readopt the rule without change, if no alternative regulatory methods exist that could minimize the economic impact of the rule on small businesses while still achieving the purpose of the rule;

(2) amend the rule to implement alternative regulatory methods that will minimize the economic impact of the rule on small businesses; or

(3) repeal the rule, if the need for the rule no longer exists.

As added by P.L.188-2005, SEC.6.

IC 4-22-2.5-4

Request for separate readoption of rules

Sec. 4. (a) Except as provided in subsection (b) and subject to section 3.1 of this chapter, an agency may readopt all rules subject to expiration under this chapter under one (1) rule that lists all rules that are readopted by their titles and subtitles only. A rule that has expired but is readopted under this subsection may not be removed from the Indiana Administrative Code.

(b) If, not later than thirty (30) days after an agency's publication of notice of its intention to adopt a rule under IC 4-22-2-23 using the listing allowed under subsection (a), a person submits to the agency a written request and the person's basis for the request that a particular rule be readopted separately from the readoption rule described in subsection (a), the agency must:

(1) readopt that rule separately from the readoption rule described in subsection (a); and

(2) follow the procedure for adoption of administrative rules under IC 4-22-2 with respect to the rule.

(c) If the agency does not receive a written request under subsection (b) regarding a rule within thirty (30) days after the agency's publication of notice, the agency may:

(1) submit the rule for filing with the publisher under IC 4-22-2-35; or

(2) elect the procedure for readoption under IC 4-22-2.

As added by P.L.17-1996, SEC.7. Amended by P.L.188-2005, SEC.7; P.L.215-2005, SEC.10; P.L.1-2006, SEC.76; P.L.123-2006, SEC.18.

IC 4-22-2.5-5

Power of governor to postpone expiration date

Sec. 5. If a rule is not readopted before the expiration date for the rule and the governor finds that the failure to readopt the rule causes an emergency to exist, the governor may, by executive order issued before the rule's expiration date, postpone the expiration date of the rule until a date that is one (1) year after the date specified in section 2 of this chapter.

As added by P.L.17-1996, SEC.7.

IC 4-22-2.5-6

Removal of expired rules

Sec. 6. The publisher shall remove all rules that have expired under this chapter from the Indiana Administrative Code.

As added by P.L.17-1996, SEC.7.

IC 4-22-3

Chapter 3. Open Public Hearings

IC 4-22-3-1

Public policy

Sec. 1. It is hereby declared to be the public policy of the state of Indiana that there shall be no secrecy in the conduct of the public hearings of the administrative bodies of the state of Indiana.

(Formerly: Acts 1959, c.195, s.1.)

IC 4-22-3-2

Broadcasts of public hearings

Sec. 2. In order to facilitate the public policy so declared, all administrative bodies of the state of Indiana conducting public hearings shall allow the use of either recorded or live broadcasts of such hearings, subject to such reasonable rules and regulations as may be adopted by the administrative body holding and conducting such public hearings.

(Formerly: Acts 1959, c.195, s.2.)

IC 4-22-3-3

Limitations upon broadcasts

Sec. 3. It is hereby specifically declared that such administrative bodies may limit such broadcasts to the broadcast of recordings of such public hearings made in a manner approved by such administrative body, and it is specifically declared that such administrative body may require the use of pooled recording or broadcasting facilities for all of the news or broadcasting media requesting the use of such recordings or broadcasting rights.

(Formerly: Acts 1959, c.195, s.3.)

IC 4-22-4

Chapter 4. Fees for Transcripts in Industrial Accident Cases and Utility Regulatory Commission Proceedings

IC 4-22-4-1

Fees

Sec. 1. (a) Whenever a transcript is furnished to a litigant or other party interested in any industrial accident case heard before any state department, board, or commission, or to any petitioner, remonstrator, intervener, or any other party in any proceeding before the utility regulatory commission, the fee for the transcript shall be the property of the reporter employed by the state department, board or commission who has prepared the transcript.

(b) A party litigant in an industrial accident case or a party in a proceeding before the utility regulatory commission may be provided a transcript at state expense if the party litigant or party files a verified application for provision of transcript and it is established in a hearing upon the application that:

(1) the applicant will perfect an appeal for which the transcript is requested;

(2) no other person or party in the proceeding has filed a request for a transcript which transcript would be available to the applicant; and

(3) the applicant lacks sufficient resources, and cannot reasonably obtain sufficient resources, to pay for the transcript.

(c) Whenever any state department, board, or commission orders that a transcript be provided to a person or party litigant under subsection (b), the reporter to whom the fee is due shall prepare a statement, under oath, of the cost of preparation of the transcript. Upon receipt of the statement, the state department, board, or commission shall certify the statement and present it to the auditor of state who shall pay the cost of the transcript out of the state general fund.

(d) Whenever any state agency is required by federal law to provide a person or party litigant with a copy of a transcript at reproduction cost only, the reporter to whom the fee is due shall prepare separate statements of the cost of production of the transcript and the cost of reproduction of the transcript. The statement for production of the transcript shall be presented to the state agency which shall pay the statement out of the funds appropriated to it, and the statement for reproduction of the transcript shall be presented to the person or party litigant who has requested the reproduction of the transcript.

(Formerly: Acts 1935, c.218, s.1.) As amended by Acts 1979, P.L.26, SEC.1; P.L.23-1988, SEC.2.

IC 4-22-5

Chapter 5. Department of Local Government Finance and Indiana Board of Tax Review Hearings

IC 4-22-5-1

Hearings of the Indiana board of tax review; hearing officers

Sec. 1. Where under the provisions of any statute, the department of local government finance or the Indiana board of tax review (referred to as "the Indiana board" in this section) is required to conduct a hearing, the commissioner of the department or a member or members of the Indiana board need not be present or preside at such hearing, but the commissioner or the Indiana board shall have the power, by an order in writing, to appoint to so preside hearing officers whose duties shall be prescribed in the order. In the discharge of their duties, the hearing officers shall have all the powers to investigate and to require evidence granted to the department or the Indiana board. The department or the Indiana board may conduct any number of hearings contemporaneously through different hearing officers.

(Formerly: Acts 1961, c.19, s.1.) As amended by P.L.90-2002, SEC.11; P.L.219-2007, SEC.7.

IC 4-22-6
Chapter 6. Fees for Publications of State Agencies

IC 4-22-6-1
"State agency" defined

Sec. 1. As used in this chapter, "state agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, officer, service, or other similar body of state government established by law, resolution, or executive order.

As added by P.L.28-1983, SEC.36.

IC 4-22-6-2
Sale of publications; authorization

Sec. 2. A state agency may sell any publication that it produces in book, booklet, or pamphlet form.

As added by P.L.28-1983, SEC.36.

IC 4-22-6-3
Price

Sec. 3. (a) This section does not apply to a state educational institution.

(b) The price of a state agency publication may not exceed the cost of materials, reproduction, postage, and handling, and may reflect all or a part of the cost of preparation.

As added by P.L.28-1983, SEC.36. Amended by P.L.2-2007, SEC.53.

IC 4-22-7

Chapter 7. Codification, Distribution, and Publication of Rules and Other Agency Statements

IC 4-22-7-1

Application of chapter

Sec. 1. This chapter applies to all rules adopted under IC 4-22-2.

As added by P.L.31-1985, SEC.34.

IC 4-22-7-2

Definitions

Sec. 2. The definitions in IC 4-22-2-3 apply throughout this chapter.

As added by P.L.31-1985, SEC.34.

IC 4-22-7-3

Updating of rules; style standards; correction of errors

Sec. 3. An agency shall add, amend, and repeal its rules, as necessary, to:

(1) eliminate obsolete or unenforceable provisions;

(2) eliminate deviations from the format, numbering system, standards, and techniques established under IC 4-22-2-42; and

(3) eliminate other typographical, clerical, or spelling errors.

As added by P.L.31-1985, SEC.34.

IC 4-22-7-4

Retention of copy of rule by agency

Sec. 4. An agency shall maintain a copy of each rule that has been filed with the secretary of state (including documents filed with the secretary of state under IC 4-22-2-21) under a retention schedule established by the Indiana archives and records administration.

As added by P.L.31-1985, SEC.34. Amended by P.L.215-2005, SEC.11; P.L.171-2015, SEC.4.

IC 4-22-7-5

Retention of original copy of rule by publisher

Sec. 5. (a) The publisher shall retain the electronic copy of each rule that has been accepted for filing by the publisher (including documents filed with the publisher under IC 4-22-2-21) and one (1) copy of any supporting documentation submitted under IC 4-22-2-31. The publisher has official custody of an agency's adopted rules.

(b) When the publisher distributes or electronically publishes a rule, the publisher may distribute the rule without including the full text of any matter incorporated into the rule.

As added by P.L.31-1985, SEC.34. Amended by P.L.19-1986, SEC.2; P.L.11-1996, SEC.2; P.L.28-2004, SEC.44; P.L.215-2005, SEC.12; P.L.1-2006, SEC.77; P.L.123-2006, SEC.19.

IC 4-22-7-6
Publication of rules by individual agency

Sec. 6. An agency may publish its rules under IC 4-13-4.1. A publication containing rules also may include any other matter that may assist the public in conducting its business with the agency.
As added by P.L.31-1985, SEC.34.

IC 4-22-7-7
Certain statements, orders, and official opinions; distribution of copies; maintenance of current list

Sec. 7. (a) This section applies to the following agency statements:

(1) Executive orders issued by the governor.

(2) Notices that a rule has been disapproved or objected to by the attorney general under IC 4-22-2-32 or IC 4-22-2-38, or disapproved or objected to by the governor under IC 4-22-2-34 or IC 4-22-2-38.

(3) Official opinions of the attorney general (excluding advisory letters).

(4) Official explanatory opinions of the state board of accounts based on an official opinion of the attorney general.

(5) Any other statement:

(A) that:

(i) interprets, supplements, or implements a statute or rule;

(ii) has not been adopted in compliance with IC 4-22-2;

(iii) is not intended by its issuing agency to have the effect of law; and

(iv) may be used in conducting the agency's external affairs; or

(B) that specifies a policy that an agency relies upon to:

(i) enforce a statute or rule;

(ii) conduct an audit or investigation to determine compliance with a statute or rule; or

(iii) impose a sanction for violation of a statute or rule.

This subdivision includes information bulletins, revenue rulings (including, subject to IC 6-8.1-3-3.5, a letter of findings), and other guidelines of an agency.

(6) A statement of the governor concerning extension of an approval period under IC 4-22-2-34.

(b) Whenever an agency adopts a statement described by subsection (a), the agency shall distribute electronic copies of the statement to the publisher for publication and indexing in the Indiana Register (in the format specified by the publisher under IC 4-22-2) and the copies required by IC 4-23-7.1-26 to the Indiana library and historical department. However, if a statement under subsection (a)(5)(B) is in the form of a manual, book, pamphlet, or reference publication, the publisher is required to publish only the title of the manual, book, or reference publication.

(c) Every agency that adopts a statement described under subsection (a) also shall maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency shall update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

(1) Title.

(2) Identification number.

(3) Date originally adopted.

(4) Date of last revision.

(5) Reference to all other statements described in subsection (a) that are repealed or amended by the statement.

(6) Brief description of the subject matter of the statement.

(d) At least quarterly, every agency that maintains a list under subsection (c) shall distribute two (2) copies to the Indiana library and historical department.

As added by P.L.31-1985, SEC.34. Amended by P.L.17-1996, SEC.5; P.L.28-1997, SEC.1; P.L.123-2006, SEC.20; P.L.53-2014, SEC.63.

IC 4-22-8

Chapter 8. Publication of Indiana Register and Indiana Administrative Code

IC 4-22-8-1

Definitions applicable

Sec. 1. The definitions in IC 4-22-2-3 apply throughout this chapter.

As added by P.L.31-1985, SEC.35.

IC 4-22-8-2

Indiana Register; publication

Sec. 2. (a) The publisher shall publish a serial publication with the name Indiana Register at least six (6) times each year.

(b) Notwithstanding any law, after June 30, 2006, the publisher shall publish the Indiana Register in electronic form only.

(c) The publisher may meet the requirement to publish the Indiana Register electronically by permanently publishing a copy of the Indiana Register on the Internet.

As added by P.L.31-1985, SEC.35. Amended by P.L.215-2005, SEC.13; P.L.123-2006, SEC.21.

IC 4-22-8-3

Contents of Indiana Register

Sec. 3. The publisher shall include in the Indiana Register every rule or other agency statement distributed under IC 4-22-2-40, IC 4-22-2-41, IC 4-22-7-5, IC 4-22-7-7, or another statute that requires the matter to be published in the Indiana Register. However, the publisher may publish a rule without publishing the full text of a matter incorporated by reference in the rule and may publish any other statement in summary form.

As added by P.L.31-1985, SEC.35.

IC 4-22-8-4

Modifications and corrections by publisher

Sec. 4. (a) The publisher may:

(1) reformat, renumber, or revise any rule or other agency statement published in the Indiana Register to conform to the typographical style and layout standards established under section 10 of this chapter; and

(2) reformat, renumber, or revise a rule adopted under IC 4-22-2 to conform to the format, numbering system, standards, and techniques established under IC 4-22-2-42, at any time before the rule is finally published in the Indiana Register.

(b) When published as part of a rule, an action to bring the rule into conformity with the format, numbering system, standards, and techniques established under IC 4-22-2-42 is effective to the same extent as if the agency had adopted the action under IC 4-22-2-38.

However, if the governor or the agency adopting the affected rule objects in writing to the publisher concerning a specifically described action and the action does not conform to the format, numbering system, standards, or techniques established under IC 4-22-2-42, the action is voided, and the publisher shall publish a correction under subsection (c).

(c) The publisher may correct its own typographical, clerical, or spelling error in the Indiana Register by publishing an errata notice that identifies the error and its correction.

As added by P.L.31-1985, SEC.35.

IC 4-22-8-5

Indiana Administrative Code; publication

Sec. 5. (a) The publisher shall compile, computerize, index, and print a codification of the general and permanent rules of the agencies with the name Indiana Administrative Code. The publisher may publish, with the Indiana Administrative Code, any tables, explanatory material, or other documents that the publisher considers appropriate.

(b) The publisher shall establish a system to maintain, supplement, and recompile the Indiana Administrative Code when necessary or appropriate.

(c) Notwithstanding any law, after June 30, 2006, the publisher shall publish the Indiana Administrative Code in electronic form only.

(d) The publisher may meet the requirement to publish the Indiana Administrative Code electronically by permanently publishing a copy of the Indiana Administrative Code on the Internet.

As added by P.L.31-1985, SEC.35. Amended by P.L.215-2005, SEC.14; P.L.123-2006, SEC.22.

IC 4-22-8-6

Modifications and corrections by publisher

Sec. 6. (a) The publisher may reformat, renumber, or revise at any time any rule codified in the Indiana Administrative Code to conform to the typographical style and layout standards established under section 10 of this chapter.

(b) The publisher may correct its own typographical, clerical, or spelling error in a rule published in the Indiana Administrative Code by publishing an errata notice in the Indiana Register that identifies the error and its correction.

As added by P.L.31-1985, SEC.35.

IC 4-22-8-7

Repealed

(As added by P.L.31-1985, SEC.35. Repealed by P.L.123-2006, SEC.36.)

IC 4-22-8-8
Repealed

(As added by P.L.31-1985, SEC.35. Amended by P.L.215-2005, SEC.15. Repealed by P.L.123-2006, SEC.36.)

IC 4-22-8-9
Number of copies of Indiana Administrative Code and Indiana Register; price

Sec. 9. The publisher shall determine the number of copies of the Indiana Administrative Code and the Indiana Register to be published, to whom they shall be distributed, and the price of copies to be made available for sale.
As added by P.L.31-1985, SEC.35.

IC 4-22-8-10
Typographical style; layout standards

Sec. 10. The publisher shall establish typographical style and layout standards for the Indiana Administrative Code and the Indiana Register.
As added by P.L.31-1985, SEC.35.

IC 4-22-8-11
Assistance by code revision commission

Sec. 11. The code revision commission shall assist the publisher with the publication of the Indiana Register and with the compilation, computerization, indexing, and printing of the Indiana Administrative Code.
As added by P.L.31-1985, SEC.35.

IC 4-22-8-12
Failure to comply with chapter

Sec. 12. Failure of an agency, the publisher, or the code revision commission to comply with this chapter does not invalidate a rule or other agency statement.
As added by P.L.31-1985, SEC.35.

IC 4-22-9

Chapter 9. Evidence; Judicial Notice of Rules

IC 4-22-9-1

Application of chapter

Sec. 1. This chapter applies to all rules that have been accepted for filing:

(1) by the secretary of state before July 1, 2006; or

(2) by the publisher after June 30, 2006;

under IC 4-22-2.

As added by P.L.31-1985, SEC.36. Amended by P.L.123-2006, SEC.23.

IC 4-22-9-2

Definitions applicable

Sec. 2. The definitions in IC 4-22-2-3 apply throughout this chapter.

As added by P.L.31-1985, SEC.36.

IC 4-22-9-3

Judicial notice of rules

Sec. 3. (a) Any rule that has been adopted in conformity with IC 4-22-2 (including a matter incorporated by reference into a rule) shall be judicially noticed by all courts and agencies of this state.

(b) Subject to subsection (c), the official publication of a rule in the Indiana Register or the Indiana Administrative Code, including the official publication of rules published only in electronic format after July 1, 2006, shall be considered prima facie evidence that the rule was adopted in conformity with IC 4-22-2 and that the text published is the text adopted.

(c) The 1979 edition of the Indiana Administrative Code shall be conclusively presumed to contain the accurate, correct, and complete text of all rules in effect on December 31, 1978. All rules filed with the secretary of state before December 31, 1978, and not compiled in the 1979 edition of the Indiana Administrative Code are void.

As added by P.L.31-1985, SEC.36. Amended by P.L.123-2006, SEC.24.

IC 4-22-9-4

Matters not part of official text

Sec. 4. The following, as they appear in an adopted version of a rule filed with the secretary of state before July 1, 2006, or filed with the publisher after June 30, 2006, in the Indiana Register, or in the Indiana Administrative Code, are not part of the official text of any rule, are not intended to affect the meaning, application, or construction of any rule, and may be altered at any time by the publisher of the Indiana Register or Indiana Administrative Code:

(1) Digests.

(2) Title, article, rule, and section headings.
(3) Title, article, and rule analyses (listings of article, rule, and section headings).
(4) Statutory authority citation lines.
(5) Statutes affected citation lines.
(6) Bracketed internal references.
(7) History lines or history blocks.
(8) Revisor's notes.

As added by P.L.31-1985, SEC.36. Amended by P.L.123-2006, SEC.25.

IC 4-22-9-5
References to Indiana Administrative Code; incorporation by reference

Sec. 5. (a) A reference in a rule to the Indiana Administrative Code (IAC) in the form of an IAC citation, if unaccompanied by a reference to a specific edition or supplement to the Indiana Administrative Code, shall be construed to include any amendment to the cited provision occurring after the date that the reference is written.

(b) If a matter that is incorporated by reference into a rule is amended after the effective date of the rule, the rule includes the amendment to the incorporated matter only if the incorporated matter is:

(1) an Indiana statute codified with an Indiana Code (IC) citation number; or
(2) an Indiana rule codified with an Indiana Administrative Code (IAC) number.

As added by P.L.31-1985, SEC.36.

IC 4-22-9-6
Citation of rules

Sec. 6. Any rule may be cited or pleaded by citation reference to the Indiana Administrative Code or the Indiana Register, without copying the cited provision in full. A reference to the Indiana Administrative Code (IAC) in the form of an IAC citation shall be construed to include all amendments as of the date the reference is written, unless accompanied by a reference to a specific edition or supplement of the Indiana Administrative Code.

As added by P.L.31-1985, SEC.36.

IC 4-22-9-7
Determination and construction of rules

Sec. 7. The determination and construction of rules in all civil actions shall be made by the court as a matter of law and not by the jury.

As added by P.L.31-1985, SEC.36.

IC 4-22-10

Chapter 10. Document Drafting Standards

IC 4-22-10-1

"Agency"

Sec. 1. As used in this chapter, "agency" has the meaning set forth in IC 4-22-2-3.

As added by P.L.152-2012, SEC.8.

IC 4-22-10-2

"Covered document"

Sec. 2. As used in this chapter, "covered document" means any document that:

(1) is necessary for obtaining any benefit or service administered or provided by an agency, or for filing taxes with an agency;

(2) provides information about any state benefit or service; or

(3) explains to the public how to comply with a requirement an agency administers or enforces.

The term includes (whether in paper or electronic form) a letter, publication, form, notice, or instruction. The term does not include a rule subject to the format, numbering system, standards, and techniques established under IC 4-22-2-42.

As added by P.L.152-2012, SEC.8.

IC 4-22-10-3

"Plain writing"

Sec. 3. As used in this chapter, "plain writing" means writing that is clear, concise, and well-organized, and follows other best practices appropriate to the subject or field and intended audience.

As added by P.L.152-2012, SEC.8.

IC 4-22-10-4

Plain writing requirement for government documents

Sec. 4. An agency shall use plain writing in every covered document that the agency issues or substantially revises.

As added by P.L.152-2012, SEC.8.

IC 4-22-10-5

Plain writing requirement; compliance date

Sec. 5. An agency must be fully in compliance with this chapter after September 30, 2013.

As added by P.L.152-2012, SEC.8.

IC 4-23

ARTICLE 23. BOARDS AND COMMISSIONS

IC 4-23-1

Repealed

(Repealed by P.L.238-1987, SEC.3.)

IC 4-23-2

Chapter 2. Indiana Arts Commission

IC 4-23-2-1

Creation; membership; contracts; meetings; quorum

Sec. 1. (a) There is hereby created a commission to be known as the Indiana arts commission. On and after July 1, 1967, the commission shall consist of fifteen (15) members who shall be appointed by the governor and shall serve for a term of four (4) years and until their successors are appointed and qualified. In event of a vacancy, the governor shall appoint a successor to complete the unexpired term.

(b) Insofar as practicable, the members of the commission shall be selected so as to give representation to the various geographical areas of the state and to all fields of the performing and fine arts. Members shall be selected from among the residents of Indiana who have competence, experience, and interest in connection with the performing and fine arts. In making such appointments, due consideration shall be given to any recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing and fine arts.

(c) On or before July 1, 1967, the governor shall appoint five (5) members to serve for a term of one (1) year, five (5) members to serve for a term of two (2) years, and five (5) members to serve for a term of four (4) years. Upon the expiration of the terms of the original members appointed under this subsection, their successors shall be appointed for terms of four (4) years. A member shall be eligible to succeed himself.

(d) The commission shall each year designate one (1) of its members to serve as the chairman of the commission who shall be the chief executive officer of the commission, one (1) member to serve as vice chairman who shall act as chairman in the absence or inability to act of the chairman, and one (1) to serve as secretary who shall be responsible for maintaining records of the proceedings of the commission.

(e) All contracts, applications for grants, and other documents shall be executed in the name of the commission either by the chairman of the commission or, when authorized by resolution of the commission, by the executive director and shall be attested by the secretary.

(f) Meetings of the commission shall be held at least quarterly and at such other times as may be necessary. All meetings shall be upon call of the chairman.

(g) The members of the commission shall not be required to devote their full time to their duties, but shall devote such time as is necessary to carry out their duties under this chapter. The members of the commission shall serve without pay, but shall be reimbursed

for their reasonable and necessary expenses actually incurred in carrying out their duties.

(h) Eight (8) members of the commission shall constitute a quorum for the transaction of the business of the commission. A vacancy in the commission shall not impair the power of a quorum to transact business.

(Formerly: Acts 1965, c.248, s.1; Acts 1967, c.274, s.1.) As amended by P.L.5-1984, SEC.180.

IC 4-23-2-2

Purposes and duties

Sec. 2. The commission shall have the following purposes and duties:

(a) To stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation therein;

(b) To make such surveys as may be deemed advisable of public and private institutions engaged within the state in artistic and cultural activities, including but not limited to, music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations, concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;

(c) To take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of our state and to expand the state's cultural resources; and

(d) To encourage and assist freedom of artistic expression essential for the well-being of the arts.

(Formerly: Acts 1965, c.248, s.2; Acts 1967, c.274, s.2.)

IC 4-23-2-3

Powers

Sec. 3. In furtherance of its purposes and duties, the commission shall have, and may exercise, the following powers:

(1) To employ an executive director.

(2) To adopt, promulgate, amend and rescind such rules and regulations not inconsistent with the provisions of this chapter as it may deem necessary, acting in accordance with the provisions of IC 4-22-2.

(3) To hold public hearings.

(4) To enter into contracts, within the limit of funds available therefor, with individuals, organizations and institutions for services furthering the objectives of the commission's programs.

(5) To enter into contracts, within the limit of funds available therefor, with local and regional not-for-profit corporations or associations for cooperative endeavors furthering the objectives of the commission's program.

(6) To accept gifts, contributions and bequests of funds from

individuals, foundations, corporations, limited liability companies, and other organizations or institutions.

(7) To apply for, receive and disburse any funds available from the state or federal government in furtherance of the objectives of this chapter and to enter into any agreements which may be required by the state or federal government as a condition of obtaining such funds.

(8) To make and sign any agreements and to do and perform any acts that may be necessary to carry out its purposes and duties.

(Formerly: Acts 1965, c.248, s.3; Acts 1967, c.274, s.3.) As amended by Acts 1977, P.L.39, SEC.1; Acts 1979, P.L.17, SEC.2; P.L.8-1993, SEC.29; P.L.100-2012, SEC.6.

IC 4-23-2-4
Executive director

Sec. 4. (a) The executive director shall be the chief administrative officer of the commission. The executive director shall supervise the employees of the commission and shall assist the commission in promoting and carrying on its activities and administrative work. The executive director shall not be a member of the commission, but shall devote the executive director's full time to the performance of the executive director's duties under the direction and supervision of the commission. The executive director's compensation shall be fixed by the commission with the approval of the budget agency.

(b) The executive director shall be selected for the executive director's knowledge, competence, and experience in the performing and fine arts and in the development and encouragement of the performing and fine arts through the efforts of private or governmental organizations.

(Formerly: Acts 1965, c.248, s.4; Acts 1967, c.274, s.4.) As amended by Acts 1977, P.L.39, SEC.2; P.L.215-2016, SEC.90.

IC 4-23-2-5
Offices

Sec. 5. Appropriate office facilities, supplies and equipment shall be provided for the commission and the executive director and other employees of the commission.

(Formerly: Acts 1965, c.248, s.5; Acts 1967, c.274, s.5.)

IC 4-23-2-6
Repealed

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

IC 4-23-2-7
Arts and cultural district certification

Sec. 7. (a) As used in this section, "district" means an area certified as an arts and cultural district under this section.

(b) As used in this section, "unit" means a city, town, or county.

(c) The commission shall establish an arts and cultural district certification program.

(d) To have an area certified as a district, a unit must:

(1) apply to the commission on a form prescribed by the commission; and

(2) provide any proof the commission determines is necessary to certify a district.

Two (2) or more units may apply jointly for certification of a district that extends across a common boundary.

(e) The commission, after reviewing an application filed by a unit under subsection (d)(1), may certify an area as a district.

(f) The commission shall adopt rules under IC 4-22-2:

(1) to establish criteria for a unit wishing to have an area certified as a district; and

(2) that are necessary to carry out this section.

As added by P.L.10-2008, SEC.1.

IC 4-23-2.5

Chapter 2.5. Indiana Arts Commission Trust Fund

IC 4-23-2.5-1

Repealed

(As added by P.L.29-1997, SEC.1. Repealed by P.L.133-2012, SEC.10.)

IC 4-23-2.5-2

"Commission"

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

As added by P.L.29-1997, SEC.1.

IC 4-23-2.5-3

"Fund"

Sec. 3. As used in this chapter, "fund" refers to the Indiana arts commission trust fund established by section 4 of this chapter.

As added by P.L.29-1997, SEC.1.

IC 4-23-2.5-4

Purpose of fund; contents

Sec. 4. (a) The Indiana arts commission trust fund is established to support the programs and the administrative budget of the commission.

(b) The fund consists of the following:

(1) Appropriations of the general assembly from revenue sources determined by the general assembly and in an amount determined by the general assembly.

(2) Donations to the fund from public or private sources.

(3) Interest and dividends on assets of the fund.

(4) Money transferred to the fund from other funds.

(5) Fees from the Indiana arts trust license plate issued under IC 9-18-41 (before its expiration) or IC 9-18.5-20.

(6) Money from other sources that the commission may acquire.

As added by P.L.29-1997, SEC.1. Amended by P.L.118-1998, SEC.1; P.L.133-2012, SEC.11; P.L.198-2016, SEC.8.

IC 4-23-2.5-5

Repealed

(As added by P.L.29-1997, SEC.1. Repealed by P.L.133-2012, SEC.12.)

IC 4-23-2.5-6

Repealed

(As added by P.L.29-1997, SEC.1. Repealed by P.L.133-2012, SEC.13.)

IC 4-23-2.5-7
Repealed
(As added by P.L.29-1997, SEC.1. Repealed by P.L.133-2012, SEC.14.)

IC 4-23-2.5-8
Repealed
(As added by P.L.29-1997, SEC.1. Repealed by P.L.133-2012, SEC.15.)

IC 4-23-2.5-9
Repealed
(As added by P.L.29-1997, SEC.1. Repealed by P.L.133-2012, SEC.16.)

IC 4-23-2.5-10
Repealed
(As added by P.L.29-1997, SEC.1. Repealed by P.L.133-2012, SEC.17.)

IC 4-23-2.5-11
Repealed
(As added by P.L.29-1997, SEC.1. Repealed by P.L.133-2012, SEC.18.)

IC 4-23-2.5-12
Management and development of fund
Sec. 12. (a) The commission shall manage and develop the fund and the assets of the fund.
(b) The commission shall do the following:
(1) Establish a policy for the investment of assets of the fund.
(2) Acquire money for the fund through the solicitation of private or public donations and other revenue producing activities.
(3) Perform other tasks consistent with prudent management and development of the fund.
As added by P.L.29-1997, SEC.1. Amended by P.L.133-2012, SEC.19.

IC 4-23-2.5-13
Administration of fund; investment of money in fund
Sec. 13. (a) Subject to the investment policy of the commission, the treasurer of state shall administer the fund and invest the money in the fund.
(b) The expenses of administering the fund and this chapter shall be paid from the fund.
(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same

manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.
As added by P.L.29-1997, SEC.1. Amended by P.L.133-2012, SEC.20.

IC 4-23-2.5-14
Appropriations; reversion of money in fund

Sec. 14. (a) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation is made.

(b) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.
As added by P.L.29-1997, SEC.1.

IC 4-23-2.5-15
Allocation of money from fund; use of interest and dividends by commission

Sec. 15. (a) The commission has the sole authority to allocate money from the fund to arts providers in Indiana.

(b) Subject to other provisions of this chapter, when there is one million dollars ($1,000,000) in the fund there is annually appropriated to the commission all interest and dividend earnings of the fund for projects that the commission designates to accomplish the purposes of the commission under IC 4-23-2.

(c) The commission may not use money from the fund to purchase land or structures.
As added by P.L.29-1997, SEC.1. Amended by P.L.103-2006, SEC.1.

IC 4-23-2.5-16
Annual report

Sec. 16. Before October 1 of each year, the commission shall prepare a report concerning the fund for distribution to the public and the general assembly. A report distributed under this section to the general assembly must be in an electronic format under IC 5-14-6.
As added by P.L.29-1997, SEC.1. Amended by P.L.28-2004, SEC.45; P.L.133-2012, SEC.21.

IC 4-23-2.5-17
Rules

Sec. 17. The commission may adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.29-1997, SEC.1.

IC 4-23-3
Repealed

(Repealed by Acts 1982, P.L.21, SEC.60.)

IC 4-23-3.1
Repealed

(Repealed by Acts 1977, P.L.40, SEC.6.)

IC 4-23-4
Repealed

(Repealed by P.L.46-1983, SEC.2.)

IC 4-23-5
Repealed
(Repealed by Acts 1982, P.L.16, SEC.3.)

IC 4-23-5.5

Chapter 5.5. Indiana Recycling Market Development Board

IC 4-23-5.5-1

Definitions

Sec. 1. As used in this chapter:

(1) "board" refers to the Indiana recycling market development board created by this chapter;

(2) "division" refers to the division of pollution prevention established by IC 13-27-2-1; and

(3) "office" refers to the Indiana office of energy development established by IC 4-3-23-3.

As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.10-1990, SEC.3; P.L.27-1993, SEC.7; P.L.1-2006, SEC.78; P.L.204-2007, SEC.3; P.L.34-2013, SEC.7.

IC 4-23-5.5-2

Creation; membership; vacancies; advisory members; staff

Sec. 2. (a) The Indiana recycling market development board is created and constitutes a public instrumentality of the state. The exercise by the board of the powers conferred by this chapter is an essential governmental function.

(b) The board consists of nine (9) members, one (1) of whom shall be the lieutenant governor or the lieutenant governor's designee and eight (8) of whom shall be appointed by the governor for four (4) year terms. The governor's appointees shall be chosen from among representatives of:

(1) the waste management industry;

(2) the recycling industry;

(3) Indiana universities and colleges with expertise in recycling research and development;

(4) industrial and commercial consumers of recycled feedstock;

(5) environmental groups; and

(6) private citizens with a special interest in recycling.

No more than four (4) appointive members shall be of the same political party.

(c) A vacancy in the office of an appointive member, other than by expiration, shall be filled in like manner as the original appointment for the remainder of the term of that retiring member. Appointed members may be removed by the governor for cause.

(d) The board shall have seven (7) ex officio advisory members as follows:

(1) The governor.

(2) The director of the department of natural resources.

(3) The commissioner of the department of environmental management.

(4) Two (2) members from the house of representatives of opposite political parties appointed by the speaker of the house

of representatives for two (2) year terms.

(5) Two (2) members from the senate of opposite political parties appointed by the president pro tempore of the senate for two (2) year terms.

(e) The division shall serve as the staff of the board.

As added by Acts 1980, P.L.20, SEC.1. Amended by Acts 1981, P.L.24, SEC.6; P.L.143-1985, SEC.180; P.L.10-1990, SEC.4; P.L.27-1993, SEC.8; P.L.1-2006, SEC.79; P.L.204-2007, SEC.4.

IC 4-23-5.5-3

Officers; quorum; majority vote; expenses of members

Sec. 3. (a) The governor shall appoint one (1) of the appointed members as chairman. Five (5) members of the board shall constitute a quorum and the affirmative vote of a majority of the membership shall be necessary for any action taken by the board. A vacancy in the membership of the board does not impair the right of the quorum to act.

(b) All the members of the board shall be reimbursed for their actual expenses incurred in the performance of their duties. The appointed members may also receive a per diem allowance as determined by the budget agency for attendance of board meetings and activities. All reimbursement for expenses shall be as provided by law.

As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.10-1990, SEC.5; P.L.27-1993, SEC.9; P.L.204-2007, SEC.5.

IC 4-23-5.5-4

Chief administrative officer; employees, agents, and consultants; budget

Sec. 4. A representative appointed by the division, in consultation with the lieutenant governor or the lieutenant governor's designee, shall be the chief administrative officer for the board and shall direct and supervise the administrative affairs and technical activities of the board in accordance with rules, regulations, and policies established by the board. The division may appoint the employees as the board may require and the agents or consultants as may be necessary for implementing this chapter. The division shall prepare an annual administrative budget for review by the budget agency and the budget committee.

As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.36-1983, SEC.1; P.L.27-1993, SEC.10; P.L.1-2006, SEC.80; P.L.204-2007, SEC.6.

IC 4-23-5.5-5

Conflict of interest; disclosure by members

Sec. 5. A member of the board must disclose to the board any interest in a project the board may be considering for action. The board shall determine whether that member shall be allowed to

participate in activities related to that project.
As added by Acts 1980, P.L.20, SEC.1.

IC 4-23-5.5-6
Duties and powers of board

Sec. 6. (a) The board shall do the following:

(1) Adopt procedures for the regulation of its affairs and the conduct of its business.

(2) Meet at the offices of the division on call of:

(A) the lieutenant governor or the lieutenant governor's designee; or

(B) the commissioner of the department of environmental management or the commissioner's designee;

at least once each calendar quarter. The meetings shall be upon ten (10) days written notification, shall be open to the public, and shall have official minutes recorded for public scrutiny.

(3) Report annually in an electronic format under IC 5-14-6 to the legislative council the projects in which it has participated and is currently participating with a complete list of expenditures for those projects.

(4) Annually prepare an administrative budget for review by the budget agency and the budget committee.

(5) Keep proper records of accounts and make an annual report of its condition to the state board of accounts.

(6) Receive petitions and make determinations under IC 13-20.5-2-2.

(b) The board shall consider projects involving the creation of the following:

(1) Markets for products made from recycled materials.

(2) New products made from recycled materials.

(c) The board may promote, fund, and encourage programs facilitating the development and implementation of waste reduction, reuse, and recycling in Indiana.
As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.10-1990, SEC.6; P.L.27-1993, SEC.11; P.L.28-2004, SEC.46; P.L.1-2006, SEC.81; P.L.204-2007, SEC.7; P.L.178-2009, SEC.1.

IC 4-23-5.5-6.5
Adoption of rules by department of environmental management

Sec. 6.5. The department of environmental management may adopt rules under IC 4-22-2 to carry out the duties, purposes, and functions of this chapter.
As added by P.L.144-2006, SEC.11. Amended by P.L.204-2007, SEC.8.

IC 4-23-5.5-7
Authorized board expenditures

Sec. 7. The board, upon approval by the governor and the budget

agency, may make the following expenditures:

(1) Matching grants to federal, state, and local governmental agencies for research and development of:

(A) recycling projects; and

(B) recycling market development projects;

in Indiana.

(2) Matching grants to individuals, corporations, limited liability companies, partnerships, educational institutions, and other private sector groups for recycling and recycling market research and development.

(3) Direct grants, loans, or loan guarantees to those individuals and organizations specified in subdivision (1) or (2) of this section.

(4) Contractual services for recycling and recycling market research and development programs.

(5) Other projects and expenses consistent with this chapter.

As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.8-1993, SEC.30; P.L.27-1993, SEC.12; P.L.1-1994, SEC.11; P.L.204-2007, SEC.9.

IC 4-23-5.5-8
Eminent domain

Sec. 8. The board does not have the authority to exercise the power of eminent domain.

As added by Acts 1980, P.L.20, SEC.1.

IC 4-23-5.5-9
Additional powers

Sec. 9. The board may:

(1) on behalf of the state, receive and accept grants, gifts, and contributions from public agencies, including the federal government, and from private agencies and private sources, including the Indiana business modernization and technology corporation, for the purpose of researching and developing recycling within the state, and may administer such, including contracting with other public and private organizations, to carry out the purposes for which such grants, gifts, and contributions were made;

(2) establish application forms and procedures for programs consistent with this chapter;

(3) accept applications from private and public sources for funding of programs consistent with this chapter;

(4) provide funding for studies, research projects, and other activities required to assess the nature and extent of recycling markets in Indiana and the nature and extent of recycling resources to meet the needs of the state;

(5) deposit funds not currently needed to meet the obligations of the board with the treasurer of state to the credit of the fund,

or invest in obligations as provided by IC 5-13-10.5; and

(6) participate in or sponsor programs, conferences, or seminars aimed at assisting the state in promoting recycling market development.

As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.36-1983, SEC.2; P.L.19-1987, SEC.4; P.L.10-1991, SEC.7; P.L.27-1993, SEC.13; P.L.18-1996, SEC.1; P.L.204-2007, SEC.10.

IC 4-23-5.5-10
Energy development fund

Sec. 10. (a) The "energy development fund" is established as a dedicated fund to be administered by the office. Money in the fund shall be expended by the office exclusively to effect the provisions of this chapter and may include administrative costs.

(b) All money received by the office for deposit in the energy development fund shall be deposited in the fund.

(c) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year. However, if the fund is abolished its contents shall revert to the general fund of the state.

(d) All money accruing to the fund is appropriated continuously for the purposes specified in this chapter.

As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.36-1983, SEC.3; P.L.10-1990, SEC.7; P.L.27-1993, SEC.14; P.L.34-2013, SEC.8.

IC 4-23-5.5-11
Revolving loan program

Sec. 11. The office may establish and administer a revolving loan program for the purpose of making low interest loans to projects designed to promote the development and efficient use of energy resources or to promote recycling market development. The interest rates for the loans shall be fixed by the office. The office may consult with the board in implementing this section.

As added by Acts 1980, P.L.20, SEC.1. Amended by P.L.27-1993, SEC.15; P.L.34-2013, SEC.9.

IC 4-23-5.5-12
Repealed

(Repealed by P.L.11-1993, SEC.9.)

IC 4-23-5.5-13
Repealed

(Repealed by P.L.11-1993, SEC.9.)

IC 4-23-5.5-14
Recycling promotion and assistance fund

Sec. 14. (a) The Indiana recycling promotion and assistance fund is established. The purpose of the fund is to promote and assist

recycling throughout Indiana by focusing economic development efforts on businesses and projects involving recycling. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

(1) Appropriations from the general assembly.

(2) Repayment proceeds of loans made from the fund.

(3) Gifts and donations.

(4) Money from the solid waste management fund.

(5) Variable recycling fee revenue deposited under IC 13-20.5-2-1.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The board may use money in the fund to make loans to assist:

(1) persons in establishing new recycling businesses;

(2) in the expansion of existing recycling businesses; and

(3) manufacturers in retrofitting equipment necessary to reuse or recycle secondary materials.

(e) The board shall establish loan:

(1) amounts;

(2) terms; and

(3) interest rates.

(f) The board may use money in the fund to make grants for research and development projects involving recycling. The board shall establish amounts for grants.

(g) A person, business, or manufacturer that wants a grant or loan from the fund must file an application with the board.

(h) The board shall establish criteria for awarding grants and loans under this section.

(i) The board may transfer money in the fund to the state solid waste management fund established by IC 13-20-22-2 for use by the department of environmental management to make payments under IC 13-20-17.7-6.

As added by P.L.10-1990, SEC.9. Amended by P.L.170-2006, SEC.1; P.L.178-2009, SEC.2.

IC 4-23-5.5-15

Energy efficiency loan fund

Sec. 15. (a) The Indiana energy efficiency loan fund is established for the purpose of assisting Indiana industries and governing bodies (as defined in IC 36-1-12.5-1.5) in undertaking energy efficiency projects. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

(1) Appropriations from the general assembly.

(2) Repayment proceeds, including interest, of loans made from the fund.

(3) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(c) Money remaining in the fund at the end of a state fiscal year

does not revert to the state general fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) The board shall establish:

(1) amounts, terms, and interest rates for loans under this section; and

(2) criteria for awarding loans under this section.

(f) A person, business, governing body, or manufacturer that wants a loan from the fund must file an application in the manner prescribed by the board.

As added by P.L.24-1993, SEC.2. Amended by P.L.227-1999, SEC.11.

IC 4-23-5.5-16

Coal research grant fund

Sec. 16. (a) As used in this section, "center" refers to the center for coal technology research established by IC 21-47-4-1.

(b) The Indiana coal research grant fund is established for the purpose of providing grants for research and other projects designed to develop and expand markets for Indiana coal. The fund shall be administered by the office.

(c) Sources of money for the fund consist of the following:

(1) Appropriations from the general assembly.

(2) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(d) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) The center shall establish:

(1) amounts for grants under this section; and

(2) criteria for awarding grants under this section.

(g) A person, business, or manufacturer that wants a grant from the fund must file an application in the manner prescribed by the center.

(h) The center shall appoint a panel of at least eight (8) members to review and make recommendations to the center about each application filed under this section. To be a member of the panel, an individual must be a scientist, a professional engineer registered under IC 25-31-1, or another professional who is familiar with coal combustion, coal properties, coal byproducts, and other coal uses.

(i) The director of the office shall pursue available private and public sources of money for the fund.

As added by P.L.24-1993, SEC.3. Amended by P.L.159-2002, SEC.2;

P.L.171-2003, SEC.2; P.L.1-2006, SEC.82; P.L.2-2007, SEC.54; P.L.34-2013, SEC.10.

IC 4-23-6

Chapter 6. Commission on Forensic Sciences

IC 4-23-6-1

Creation

Sec. 1. A commission is created which shall be known as the "commission on forensic sciences". It shall consist of five (5) members appointed by the governor; one (1) shall be a pathologist, one (1) shall be a person engaged in police work, one (1) shall be a coroner, and one (1) shall be a lawyer. The state health commissioner shall be the fifth member of the commission and shall serve as its secretary. In making the appointments, the governor may consult with, but shall not be bound by, the recommendation of organizations representing the categories of appointees. In the first instance one (1) of the members shall be appointed for a term of one (1) year, one (1) of the members shall be appointed for a term of two (2) years, one (1) of the members shall be appointed for a term of three (3) years, and one (1) of the members shall be appointed for a term of four (4) years. Each member shall serve until the member's successor is appointed and has qualified. Members of the commission may be removed by the governor for cause, and any vacancy shall be filled by appointment from the proper category and for the unexpired term. The members shall elect one (1) of their number to serve as chairperson for a period of one (1) year.

(Formerly: Acts 1959, c.361, s.1.) As amended by P.L.215-2016, SEC.91.

IC 4-23-6-2

Membership

Sec. 2. The membership of the commission shall be appointed not later than July 31, 1959, and the commission shall hold its organization meeting upon call of its secretary within ten (10) days after its members are appointed.

(Formerly: Acts 1959, c.361, s.2.) As amended by P.L.5-1984, SEC.182.

IC 4-23-6-3

Meetings; quorum; per diem and actual expenses

Sec. 3. The commission shall meet at least once in each two-month period. A majority shall constitute a quorum for the transaction of business and a per diem of ten dollars ($10) per day, and actual expenses incurred shall be allowed to each member for the member's attendance.

(Formerly: Acts 1959, c.361, s.3.) As amended by P.L.215-2016, SEC.92.

IC 4-23-6-4

Objectives

Sec. 4. The objectives of the commission shall be to promote in the state of Indiana scientific information and services in pathology, immunology, radiology, photography, psychiatry, dentistry, anthropology and other forensic sciences.
(Formerly: Acts 1959, c.361, s.4.)

IC 4-23-6-5
Powers

Sec. 5. (a) The powers of the commission shall be as follows:

(1) To establish and maintain a scientific laboratory for research and experimentation. The commission shall not duplicate adequate facilities for experimentation, research, or information which are available to the citizens of the state.

(2) To appoint an administrative director who shall be a physician and should be a pathologist certified by the American Board of Pathology and to select and appoint or accept the loan of other personnel as it deems necessary to carry out its purposes.

(3) To establish and maintain a system of records and to collect data pertinent to the objectives of the commission.

(4) To correlate information concerning forensic science facilities and make this information available to coroners, law enforcement officers, attorneys, and others.

(5) To contract from time to time for the services or opinion of experts in connection with a particular problem or a program of research.

(6) To engage in research and experimentation consistent with the objectives of the commission.

(7) To establish and maintain a forensic sciences library either alone or in cooperation with any other agency of the state, the use of which shall be available to any interested persons.

(8) To engage in and foster programs of information in forensic sciences for interested groups.

(9) To establish from time to time and to promulgate a schedule of reasonable fees and to collect the same for the services of the commission. The considerations in formulating a schedule shall be:

(A) uniformity;

(B) recovery of at least a portion of the cost of furnishing the major services of the commission; and

(C) availability of the services without burdensome expense to officers, agencies, and others in need of the services.

All money received by the commission under this subdivision shall be paid to the commission, which shall give a proper receipt for the same, and shall at the end of each month report to the auditor of state the total amount received by it under the provisions of this subsection, from all sources, and shall at the same time, deposit the entire amount of the receipts with the

treasurer of state, who shall place them to the credit of a special fund to be created and known as the forensic sciences commission laboratory expense fund. The commission shall, by its chairperson from time to time, certify to the auditor of state any necessary laboratory expenses incurred by the commission, and the auditor shall issue the auditor's warrant for the same, which shall be paid out of any funds collected and appropriated to the commission. Payments made by the auditor of state from the forensic sciences commission laboratory expense fund shall be limited so as not to exceed the amounts allotted from this fund by the budget committee.

(10) To accept gifts and grants of money, services, or property and to use the same for any given purpose consistent with the objectives of the commission.

(11) To use the services and facilities of the state department of health, state educational institutions, and hospitals and other agencies supported in whole or in part by public funds.

(12) To establish and maintain branch offices as it considers necessary.

(13) To cooperate with any state or local agency or with any hospital or postsecondary educational institution in any scientific program consistent with the objectives of the commission.

(Formerly: Acts 1959, c.361, s.5.) As amended by P.L.2-1992, SEC.39; P.L.2-2007, SEC.55; P.L.215-2016, SEC.93.

IC 4-23-6-6

Medical examiner system

Sec. 6. (a) The commission on forensic sciences shall promulgate and adopt rules in accordance with IC 4-22-2 to:

(1) create a medical examiner system to aid, assist, and complement the coroner in the performance of the coroner's duties by providing medical assistance in determining causes of death; and

(2) establish minimum and uniform standards of excellence, performance of duties, and maintenance of records to provide information to the state regarding causes of death for cases investigated.

The commission shall also adopt any other rules that are necessary to carry out the provisions of this section.

(b) The commission shall establish five (5) medical examiner districts within the state, taking into consideration population, geographical size of the area covered, availability of trained personnel, death rate by both natural and unnatural causes, and similar related factors. No county may be divided in the creation of a district.

(c) A district medical examiner shall be appointed by the commission for each district from nominees who are physicians

licensed to practice in Indiana. Nominees must reside in the district they are nominated for, and a preference shall be given to practicing physicians in pathology.

(d) The district medical examiner may appoint as many physicians as associate medical examiners as may be necessary to provide service within the district. The associate examiners shall be licensed to practice in Indiana with a preference to practicing pathologists.

(e) District and associate medical examiners may engage in the private practice of medicine or surgery in addition to their duties as medical examiners.

(f) The district and associate medical examiners shall, at the request of coroners in their districts:

(1) provide medical assistance in investigating deaths;

(2) provide or contract for laboratory facilities for performing autopsies and investigations;

(3) provide for the keeping of reports of all investigations and examinations; and

(4) provide other functions which may be specified in rules adopted by the commission.

(g) A district or associate medical examiner who performs a medical examination or autopsy under the direction of a coroner is immune from civil liability for performing the examination or autopsy.

As added by Acts 1981, P.L.39, SEC.1. Amended by P.L.215-2016, SEC.94.

IC 4-23-6.5
Chapter 6.5. Coroners Training Board

IC 4-23-6.5-1
"Board" defined
Sec. 1. As used in this chapter, "board" refers to the coroners training board established by section 3 of this chapter.
As added by P.L.36-1993, SEC.1.

IC 4-23-6.5-2
"Fund" defined
Sec. 2. As used in this chapter, "fund" refers to the coroners training and continuing education fund established by section 9 of this chapter.
As added by P.L.36-1993, SEC.1.

IC 4-23-6.5-3
Board established
Sec. 3. The coroners training board is established.
As added by P.L.36-1993, SEC.1.

IC 4-23-6.5-4
Membership
Sec. 4. (a) The board consists of seven (7) members. The board must include the following:
(1) The commissioner of the state department of health or the commissioner's designee.
(2) The chairman of the commission on forensic sciences or the chairman's designee.
(3) The superintendent of the state police department or the superintendent's designee.
(4) Four (4) county coroners appointed by the governor, who shall consider appointing coroners who are women or members of minority groups.
(b) Not more than two (2) of the county coroner members of the board may be from the same political party.
As added by P.L.36-1993, SEC.1.

IC 4-23-6.5-5
Chairman; vice chairman
Sec. 5. (a) The commissioner of the state department of health or the commissioner's designee shall serve as chairman of the board.
(b) The board shall annually elect a vice chairman from among the members of the board.
As added by P.L.36-1993, SEC.1.

IC 4-23-6.5-6
Meetings

Sec. 6. The board shall meet at least two (2) times each year.
As added by P.L.36-1993, SEC.1.

IC 4-23-6.5-7
Rules

Sec. 7. The board shall adopt rules under IC 4-22-2 for the following:

(1) Standards for continuing education and training for county coroners, including education and training requirements set forth in IC 36-2-14.

(2) Mandatory training and continuing education requirements for deputy coroners, including education and training requirements set forth in IC 36-2-14.

(3) Minimum requirements for continuing education instructors approved by the board.

(4) The necessary administration of this chapter.

As added by P.L.36-1993, SEC.1. Amended by P.L.157-2007, SEC.1.

IC 4-23-6.5-8
Coroners training and continuing education fund

Sec. 8. (a) The coroners training and continuing education fund is established for the purpose of providing money for the purposes under section 9 of this chapter. The fund shall be administered by the board.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of gifts, grants, and amounts deposited under IC 16-37-1-9.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.36-1993, SEC.1.

IC 4-23-6.5-9
Use of coroners training and continuing education fund

Sec. 9. The board may use the fund for the following purposes:

(1) Training equipment and supplies necessary to operate the fund.

(2) Aid to approved training programs that have met the minimum requirements of the board.

(3) Travel, regional conferences, and other expenses actually incurred in connection with the member's duties.

(4) Any other purpose that the board determines is necessary to carry out the provisions of this chapter.

As added by P.L.36-1993, SEC.1.

IC 4-23-6.5-10

Duty to consult with Indiana law enforcement academy concerning coroner training

Sec. 10. The board shall consult with the Indiana law enforcement academy under IC 36-2-14-22.3 concerning criminal investigations in the creation of:

(1) the training course for coroners and deputy coroners under IC 36-2-14-22.3(a); and

(2) the annual training course for coroners and deputy coroners under IC 36-2-14-22.3(b).

As added by P.L.157-2007, SEC.2. Amended by P.L.3-2008, SEC.10.

IC 4-23-7

Chapter 7. Indiana Library and Historical Department

IC 4-23-7-1

Creation

Sec. 1. There is hereby created and established a department of the state government which shall be known as the Indiana Library and Historical Department.

(Formerly: Acts 1925, c.58, s.1.)

IC 4-23-7-2

Board membership; terms; vacancies; authority

Sec. 2. (a) The management and control of the Indiana library and historical department is hereby vested in a board which shall be known as the Indiana library and historical board, and which shall consist of five (5) members, who shall be appointed by the governor.

(b) All members shall be appointed for terms of four (4) years. A person may not be appointed as a member of the Indiana library and historical board unless the person is a citizen of high standing and probity and has a known and active interest in library or historical work. The members of the board shall be appointed as follows:

(1) One (1) member of the library and historical board shall be appointed on recommendation of the state board of education.

(2) One (1) member must be appointed on the recommendation of the Indiana Library Federation.

(3) At least one (1) member shall be appointed on recommendation of the Indiana historical society.

(4) At least one (1) member must be a public library trustee appointed on the recommendation of the Indiana Library Trustee Association.

(c) The members of the board shall serve without compensation, but shall be entitled to receive their actual expenses necessarily incurred in attending the meetings and transacting the business of the board, and in participating in such other activities as may be in the interest of the department.

(d) Any vacancy which may occur in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term.

(e) The board may prepare plans subject to the approval of the governor and advise with the proper officials in the construction of alterations and additions to the building and provide necessary equipment and furnishings within the appropriations of funds for these purposes.

(f) The board may receive and administer any state or federal aid which may become available for the improvement and development of library and historical services in Indiana.

(Formerly: Acts 1925, c.58, s.2; Acts 1947, c.327, s.1; Acts 1967, c.38, s.1.) As amended by P.L.84-2012, SEC.2.

IC 4-23-7-2.1
Board; election of officers; executive secretary

Sec. 2.1. (a) The Indiana library and historical board shall elect one (1) of its members as president, another as secretary, and such other officers as it determines, each of whom shall hold office for a term of one (1) year.

(b) The board may designate the director of the state library or the director of the historical bureau as the executive secretary of the board with duties as prescribed by the board.

As added by Acts 1981, P.L.40, SEC.1.

IC 4-23-7-3
Divisions

Sec. 3. The Indiana library and historical department consists of two (2) divisions, the Indiana state library and the Indiana historical bureau.

(Formerly: Acts 1925, c.58, s.3; Acts 1947, c.327, s.2.) As amended by Acts 1981, P.L.40, SEC.2.

IC 4-23-7-3.2
Repealed

(As added by Acts 1981, P.L.40, SEC.3. Repealed by P.L.84-2012, SEC.3.)

IC 4-23-7-3.5
Repealed

(As added by Acts 1981, P.L.40, SEC.4. Repealed by P.L.100-2012, SEC.7.)

IC 4-23-7-4
Repealed

(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-5
Policies

Sec. 5. Subject to the provisions of this chapter, the library and historical board shall formulate policies for the care, management, and expansion of the library and historical department so that the department and its divisions may at all times be operated according to the most approved standards of library and historical service.

(Formerly: Acts 1925, c.58, s.5.) As amended by P.L.5-1984, SEC.183; P.L.84-2012, SEC.4.

IC 4-23-7-5.2
Gifts, bequests, and devises; acceptance; limitation

Sec. 5.2. The Indiana library and historical board may accept gifts, bequests, and devises of personal and real property for the maintenance, use, or benefit of the Indiana library and historical

department under such terms and conditions and with such obligations, liabilities, and burdens as in the judgment of the board and the governor is in the best interest of the Indiana library and historical department; however, no obligation, liability, or burden shall be assumed that is in excess of appropriations made by law for the payment of such obligations, liabilities, and burdens.
As added by Acts 1981, P.L.40, SEC.5.

IC 4-23-7-5.3
Disposition of library materials

Sec. 5.3. (a) The Indiana library and historical board may, on the recommendation of the director of the state library, sell, lease, exchange, or otherwise dispose of library materials under:

(1) IC 5-22-21; or
(2) IC 5-22-22.

(b) The Indiana library and historical board may, on the recommendation of the director of the state library and in accordance with policies and procedures adopted by the board, sell, donate, or exchange library materials to or with other public or nonprofit libraries or historical societies.

(c) The Indiana library and historical board may, on the recommendation of the director of the state library, adopt policies and procedures for evaluating a proposal to:

(1) accept gifts of;
(2) sell;
(3) exchange; or
(4) otherwise dispose of;

library materials described in IC 4-23-7.1-3.
As added by P.L.30-1997, SEC.1. Amended by P.L.1-2009, SEC.11.

IC 4-23-7-5.4
Library and historical department fund; establishment; use; deposits

Sec. 5.4. (a) The library and historical department fund is established as a dedicated fund to be administered by the Indiana library and historical board. The monies in the fund may be expended by the board exclusively for the maintenance, use, or benefit of the Indiana library and historical department.

(b) The proceeds from the sale of items as directed by law or by the Indiana library and historical board, from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the fund.

(c) All monies accruing in the fund are hereby appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year; however, if the fund is abolished, its contents shall revert to the general fund of the state.

As added by Acts 1981, P.L.40, SEC.6.

IC 4-23-7-6
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-7
Repealed
(Repealed by Acts 1979, P.L.40, SEC.25.)

IC 4-23-7-8
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-9
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-10
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-11
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-12
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-13
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-14
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-14.5
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-14.6
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-15
Repealed

(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-16
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-17
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-18
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-19
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-20
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-21
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-22
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-23
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-23.4
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-23.5
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-23.6
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-24
Repealed

(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-25
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-26
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-27
Repealed
(Repealed by Acts 1981, P.L.40, SEC.10.)

IC 4-23-7-28
Repealed
(Repealed by P.L.32-1985, SEC.8.)

IC 4-23-7-29
Repealed
(Repealed by P.L.32-1985, SEC.8.)

IC 4-23-7-30
Repealed
(As added by P.L.25-1992, SEC.1. Amended by P.L.2-2007, SEC.56. Repealed by P.L.84-2012, SEC.5; P.L.133-2012, SEC.22.)

IC 4-23-7.1

Chapter 7.1. State Library

IC 4-23-7.1-1

Definitions

Sec. 1. As used in this chapter:

(1) "Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.

(2) "Board" means the Indiana library and historical board established by IC 4-23-7-2.

(3) "Department" means the Indiana library and historical department established by IC 4-23-7-1.

(4) "Director" means director of the Indiana state library.

(5) "Historical bureau" means the Indiana historical bureau established by IC 4-23-7-3.

(6) "Public library" has the meaning set forth in IC 36-12-1-5.

(7) "State library" means the Indiana state library established by IC 4-23-7-3.

(8) "Statewide library card program" refers to the program established by section 5.1 of this chapter.

As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.32-1985, SEC.1; P.L.19-1996, SEC.1; P.L.1-2005, SEC.64; P.L.84-2012, SEC.6; P.L.133-2012, SEC.23.

IC 4-23-7.1-2

Duties and functions

Sec. 2. The state library is responsible for executing the policy of the state of Indiana:

(1) to develop and provide library service to state government, its branches, its departments and its officials and employees;

(2) to provide for the individual citizens of the state those specialized library services not generally appropriate, economical or available in other libraries of the state;

(3) to encourage and support the development of the library profession; and

(4) to strengthen services of all types of publicly and privately supported special, school, academic, and public libraries.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-3

Library materials; development and maintenance; purposes

Sec. 3. The state library shall maintain, develop, and service a collection of books, periodicals, newspapers, maps, manuscripts, audiovisual materials, and other library materials for the purpose of:

(1) meeting the informational, educational, and research needs of state government;

(2) preserving and making available for use, materials bearing on the history of the state;

(3) meeting the specialized library needs and interests of citizens of Indiana; and

(4) supplementing the reference and materials resources of the libraries of the state.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-4

Plans or programs; historical or library development

Sec. 4. The state library shall initiate or participate in plans or programs for historical or library development in Indiana that are considered appropriate by the Indiana library and historical board.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-5

Plans or programs; interlibrary exchange

Sec. 5. The state library shall develop plans and programs and participate in the operation of plans and programs that will encourage and facilitate the interlibrary exchange of services, information, and materials.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-5.1

Statewide library card program; rules

Sec. 5.1. (a) The state library shall develop and implement a statewide library card program to enable individuals who hold a valid statewide library card to present the statewide library card to borrow:

(1) library books; or

(2) other items available for public borrowing from public libraries as established by rules adopted by the board under subsection (c);

from any public library in Indiana. The statewide library card program is in addition to any reciprocal borrowing agreement entered into between public libraries under IC 36-12-3-7 or IC 36-1-7.

(b) The statewide library card program developed under this section must provide for at least the following:

(1) To be an eligible cardholder of a statewide library card or to renew a statewide library card, the individual must:

(A) be a resident of Indiana;

(B) ask to receive or renew the statewide library card; and

(C) hold a valid resident or nonresident local library card issued to the individual by a public library under IC 36-12-2-25.

(2) The individual's public library shall pay a fee to be established by rules adopted by the board under subsection (c) based on not less than forty percent (40%) of the current average operating fund expenditure per borrower by all eligible

public libraries as reported annually by the state library in the state library's annual "Statistics of Indiana Libraries". The individual's public library may assess the individual a fee to cover all or part of the costs attributable to the fee required from the public library and the amount charged to all individuals by a public library under this subdivision may not exceed the amount the public library is required to pay under this subdivision.

(3) Each statewide library card expires one (1) year after issuance to an eligible cardholder.

(4) Statewide library cards are renewable for additional one (1) year periods to eligible cardholders who comply with subdivision (1).

(5) Statewide library cards shall be available to eligible cardholders at all public libraries.

(6) Each eligible cardholder using a statewide library card is responsible for the return of any borrowed item directly to the public library from which the cardholder borrowed the item.

(7) All public libraries shall participate in the statewide library card program and shall permit an individual who holds a valid statewide library card to borrow items available for borrowing as established by rules adopted by the board under subsection (c).

(8) A nonresident of a public library taxing district who requests a statewide library card shall pay a fee for that card that includes, but is not limited to, the sum of the following:

(A) The statewide library card fee that a public library is required to pay under subdivision (2).

(B) The library taxing district's operating fund expenditure per capita in the most recent year for which that information is available in the state library's annual "Statistics of Indiana Libraries".

This subdivision does not limit a library district's fee making ability or a library district's ability to enter township contractual arrangements.

(c) The board shall adopt rules under IC 4-22-2 to implement this section, including rules governing the following:

(1) The amount and manner in which the public libraries shall remit the fee under subsection (b)(2) to the state library for the state library's use in conducting the statewide library card program.

(2) The manner of distribution and payment to each eligible public library district of the funds generated by the statewide library card program based upon the loans made by each eligible public library. To be eligible for a payment, the public library district must also comply with the standards and rules established under section 11 of this chapter.

(3) The manner in which fines, penalties, or other damage

assessments may be charged to eligible cardholders for items:

(A) borrowed but not returned;

(B) returned to the inappropriate public library;

(C) returned after the items were otherwise due; or

(D) damaged.

(4) The dissemination of the statewide library cards to the public libraries.

(5) Record keeping procedures for the statewide library card program.

(6) Any other pertinent matter.

As added by P.L.26-1992, SEC.1. Amended by P.L.37-1993, SEC.1; P.L.19-1996, SEC.2; P.L.1-2005, SEC.65.

IC 4-23-7.1-5.2

Statewide library card fund; establishment; administration; eligibility; rules

Sec. 5.2. (a) As used in this section, "fund" refers to the statewide library card fund established by subsection (b).

(b) The statewide library card fund is established as a dedicated fund to be administered by the state library. Money in the fund shall be disbursed by the director of the state library exclusively for:

(1) the costs of administering the statewide library card program; or

(2) distribution to eligible public libraries for services related to loans of books or other library items under the statewide library card program.

(c) A public library is eligible for a distribution of money from the fund if the board determines that the public library:

(1) meets the standards for public libraries established by rules of the board or the board has granted the public library a waiver from these standards; and

(2) charges a fee in the amount required under IC 36-12-2-25 for issuing a local library card to a nonresident of the public library district.

(d) The board shall adopt rules under IC 4-22-2 to establish a formula for the distribution of money in the fund to eligible public libraries. The formula must base the amount of money paid to an eligible public library upon the number of net loans made by the eligible public library under the statewide library card program.

(e) The fees collected under section 5.1 of this chapter shall be deposited in the fund. Interest earned on money in the fund shall be deposited in the fund.

(f) Money in the fund is appropriated continuously for the purposes specified in this section and section 5.1 of this chapter.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the fund is abolished, any money in the fund reverts to the state general fund.

As added by P.L.26-1992, SEC.2. Amended by P.L.19-1996, SEC.3;

P.L.1-2005, SEC.66.

IC 4-23-7.1-6
Information relating to libraries and librarianship; publications

Sec. 6. The state library shall prepare, collect, edit, publish, and distribute such information bulletins, periodicals, statistical compilations, catalogs, or other publications concerning:

(1) the Indiana state library or its collections, materials, or services;

(2) the organization, administration, and maintenance of libraries; or

(3) libraries and librarianship;

as may be considered proper.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-7
Specialized materials and services; informing citizenry

Sec. 7. The state library shall inform and enlighten the citizens of Indiana as to the library materials and services of the state library which will meet the specialized needs and interests of the state's residents.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-8
Library activity within state; research; purposes

Sec. 8. The state library shall conduct research in appropriate areas of library activity and survey and study the library community in Indiana, including all types of libraries, therein, on a continual basis for the purpose of:

(1) collecting pertinent statistics and other information;

(2) assessing the condition and capacity of existing library facilities, resources, and services;

(3) defining the needs of society which are the responsibility of libraries to meet;

(4) evaluating library performance in relation to these needs; and

(5) preparing recommendations and plans which will develop and strengthen library service in Indiana.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-9
Professional development programs

Sec. 9. The state library shall encourage the development of the library profession and of library service in Indiana by planning or conducting, either independently or cooperatively, programs of:

(1) recruiting to the profession;

(2) education for librarianship;

(3) in-service training;

(4) personnel classifications, evaluation, and utilization; and
(5) postgraduate continuing education.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-10
Library administration; advice and assistance
Sec. 10. The state library shall provide advice and assistance as to the organization, administration, and maintenance of libraries to any person responsible for a library, either publicly or privately supported, in the state.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-11
Library automation and operating standards
Sec. 11. (a) The board shall establish operating standards and rules for libraries eligible to receive funds, either federal or state, under the provisions of any program for which the Indiana state library is the administrator. The Indiana state library shall monitor libraries eligible to receive funds or receiving funds to ascertain whether or not the standards and rules are being met.
(b) The board shall establish library automation standards for libraries. The Indiana state library shall monitor compliance with the standards.
As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.32-1985, SEC.2; P.L.25-1992, SEC.2; P.L.130-2007, SEC.1; P.L.84-2012, SEC.7; P.L.133-2012, SEC.24.

IC 4-23-7.1-12
Other state agencies and libraries; providing of personnel
Sec. 12. The state library shall provide library personnel, services, materials, equipment, or facilities for other state agencies, for libraries in other state agencies or for other libraries in the state as may be considered appropriate.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-13
Agreements with other states or federal government
Sec. 13. The state library shall negotiate and enter into agreements with other states or the federal government, as may be permitted by law, for the resolution of common library problems or the provision of common library services.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-14
Statistical or informational materials; publication; expenses
Sec. 14. The state library may compile and publish digests, reports and bulletins of purely informational or statistical character on any question which the board may deem to be of interest or value to the

people of the state. Any expenses which may be incurred in the publication of any such digest, report or bulletin shall be defrayed out of the funds which may be appropriated for the use of the department or the state library.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-15
Cooperation with educational or other institutions, organizations, or individuals

Sec. 15. The state library may cooperate with any of the educational institutions of the state or other institutions, organizations, or individuals for the purpose of meeting its responsibilities in any manner and to any extent which may be approved by the board.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-16
Reports or other publications; retention of copies

Sec. 16. The state library shall retain copies of all reports, documents, bulletins, or other publications as may be necessary for its use or the use of the historical bureau, and the copies remaining shall be distributed and exchanged in such manner as may be prescribed by the board.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-17
Sale of unneeded volumes or pamphlets; proceeds

Sec. 17. The state library may sell or exchange any volumes or pamphlets it does not need. All money received from such sales or as payment for any books or documents that have been lost or mutilated shall be deposited in the state library publications fund.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-18
Gifts of money, books, or other property; disposition; use

Sec. 18. The state library may receive gifts of money, books, or other property which shall be deposited in the state library publications fund and used or held in trust for the purpose or purposes given.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-19
Transportation charges on library materials sent; payment

Sec. 19. The state library may pay transportation charges one way on library materials sent to libraries and individuals.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-20

Mobile library services; library centers; establishment

Sec. 20. The state library may establish, equip, maintain, and operate bookmobile or other mobile library services, and library service centers, offices, or other facilities in rented, leased, or state-owned quarters outside the Indiana state library and historical building.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-21

Business days and hours

Sec. 21. The board shall determine the days and hours the library and its subdivisions will be open for public use; however, the provisions of the laws governing the length of the working day, the hours of public business, and the observance of legal holidays shall be observed.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-22

Collection of data from libraries

Sec. 22. (a) The Indiana state library annually shall collect data from all libraries in Indiana.

(b) Each public officer who:

(1) has in the officer's charge or custody;

(2) is capable of supplying; or

(3) is required to collect and compile;

information required by the library and historical department or by the state library shall supply the information promptly at the request of the department or the state library.

As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.32-1985, SEC.3; P.L.130-2007, SEC.2.

IC 4-23-7.1-23

Development of library services; other activities; powers and duties

Sec. 23. The enumeration of the specific powers and duties in this chapter does not exclude the state library from engaging in any other activity, not contrary to law, that the Indiana library and historical board may consider appropriate in the development of library service to state government, to the libraries and library profession of Indiana, and to the citizens of the state.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-24

Rules; promulgation

Sec. 24. The board may promulgate rules, under IC 4-22-2, to carry out the provisions and purpose of this chapter.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-25
Public documents; depository libraries; copies

Sec. 25. In order that all public documents of the state of Indiana shall be preserved and made available for use of the citizens of the state, the state library is designated as the depository library for Indiana documents. The state library shall maintain a complete collection of all Indiana public documents. This collection shall be the official file of Indiana state documents. The state library shall establish a state document depository system by which copies of all public documents published by the state which are of general interest or use shall be deposited in designated depository libraries, and shall distribute to other libraries copies of those public documents published by the state which are of greatest interest or use and for which a more general distribution is appropriate.
As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-26
Public documents and publications; copies from state agencies; depository requirements; exemptions

Sec. 26. (a) Subject to subsections (b) and (c), every state agency that issues public documents shall furnish the state library twenty-five (25) copies of all publications issued by them, whether printed or published electronically, which are not issued solely for use within the issuing office. However, if the library requests, as many as twenty-five (25) additional copies of each public document shall be supplied.

(b) If other provision is made by law for the distribution of the session laws of the general assembly, the journals of the house and senate of the general assembly, the supreme court and court of appeals reports, or the publications of the Indiana historical bureau, any of the public documents for which distribution is provided are exempted from the depository requirements under subsection (a). However, two (2) copies of each document exempted under this subsection from the general depository requirements shall be deposited with the state library.

(c) If a public document issued by an agency is published in the Indiana Register in full or in summary form, the agency is exempt from providing copies of the published public document to the state library under subsection (a).

(d) Publications of the various schools, colleges, divisions, and departments of the state universities and their regional campuses are exempt from the depository requirements under subsection (a). However, two (2) copies of each publication of these divisions shall be deposited in the state library.

(e) Publications of state university presses, directives for internal administration, intraoffice and interoffice publications, and forms are completely exempt from all depository requirements.
As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.31-1985,

SEC.41; P.L.1-1990, SEC.37; P.L.11-1996, SEC.4; P.L.91-2014, SEC.2.

IC 4-23-7.1-27

State documents; copies; disposition; listing; document exchange

Sec. 27. The library shall:

(a) Keep at least two (2) copies of each Indiana state document as permanent reference copies.

(b) Send two (2) copies of each Indiana state document to the Library of Congress excluding those where other provisions for distribution are made by law.

(c) Designate the four (4) state university libraries and certain selected Indiana public, school and college libraries in the several geographical sections of the state as secondary depository libraries to receive one (1) copy of those Indiana state documents which are of general interest. Selection of secondary depository libraries shall be made by the state library, based on a determination that the libraries selected will keep the documents readily accessible for use, and will render assistance for their use to qualified patrons without charge.

(d) Prepare and issue quarterly, complete lists of state issued documents, which were issued during the immediately preceding quarter. These lists shall be cumulated and printed annually, at the end of each calendar year. Copies of these lists shall be distributed by the state library to state departments and agencies, and to public and college libraries within the state.

(e) Set up a document exchange system with agencies in other states, in order that selected documents of various other states shall be available for use by the citizens of Indiana.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-28

Political subdivisions; documents published at state or local expense; delivery; copies

Sec. 28. (a) Each political subdivision of the state may deliver to the library ten (10) copies of every report, document, bulletin, or other publication published at the expense of the state or one (1) or more of its political subdivisions.

(b) Any state, county, or other official of local government may turn over to the state library for permanent preservation, any books, records, documents, original papers, newspaper files, or printed books or materials not in current use in a state's, county's, or other official of local government's office.

(c) The state library may make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office for preservation in the state library. County, city, and other officials shall permit copies to be made of the books, records,

documents, and papers in their respective offices.
As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.215-2016, SEC.95.

IC 4-23-7.1-29
Payments to public library districts; determination of amount; eligibility

Sec. 29. (a) The Indiana state library shall distribute to each eligible public library district the amount the district is entitled to under this section not later than August 1 of each year. The board shall determine each district's distribution, which may be based on:

(1) the population served by each eligible public library district;
(2) the level of services offered; and
(3) the loans made by the public library district to others outside the public library's taxing district.

(b) To be eligible for payment under this section, a public library district shall:

(1) comply with the standards and rules established under section 11 of this chapter;
(2) comply with IC 36-12; and
(3) submit an application on a form prescribed by the Indiana state library, including a summary of loan data for the previous year, to the Indiana state library no later than May 1 of each year.

(c) Any expenses incurred by the Indiana state library in the administration and distribution of funds under this section may not be charged against funds appropriated for the purposes of this section.

(d) The governing body of a public library district which receives funds under this section may appropriate the funds for library materials or expenses associated with the sharing of resources.
As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.32-1985, SEC.4; P.L.25-1992, SEC.3; P.L.1-2005, SEC.67.

IC 4-23-7.1-30
Repealed

(As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.32-1985, SEC.5; P.L.25-1992, SEC.4. Repealed by P.L.130-2007, SEC.5.)

IC 4-23-7.1-31
Repealed

(As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.32-1985, SEC.6; P.L.25-1992, SEC.5. Repealed by P.L.130-2007, SEC.5.)

IC 4-23-7.1-32
Loans of books or other library materials; authorization

Sec. 32. Any book or other library material, unless restricted because of its value, physical condition, historical importance,

demand, requirement for research, or legal or contractual restriction, belonging to or in custody of the state library may be borrowed for use outside of the library by any resident of the state or any library in accordance with policies adopted by the Indiana library and historical board.
As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.84-2012, SEC.8.

IC 4-23-7.1-33
Loans of books and materials; policies; fines

Sec. 33. Policies for:

(1) all loans including, at its discretion, the imposition of fines on borrowers for violation of the policies;

(2) fees for lost or damaged materials; and

(3) the imposition of fees for third party use of materials for which the state library owns the copyright;

shall be established by the board. All funds accruing from fines and fees imposed under this section must be deposited in the state library publications fund.
As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.84-2012, SEC.9.

IC 4-23-7.1-34
Lost or injured items; liability for damages

Sec. 34. Any person injuring or losing a book, document, plaque, marker, or sign belonging to the department is liable for threefold damages, and if the book injured or lost be one (1) volume of a set the person is liable for the whole set, but on paying for the same, the person may take the broken set. All money received under this section shall be deposited in the state library publications fund.
As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.215-2016, SEC.96.

IC 4-23-7.1-35
State library publications fund; establishment; use; deposits

Sec. 35. (a) The state library publications fund is established as a dedicated fund to be administered by the state library. The monies in the fund may be expended by the director of the state library exclusively for the purchase of records of communication in any form or on any substance whatsoever and for the purchase of other library materials.

(b) The proceeds from the sale of items as directed by law or by the director of the state library, from gifts of money or the proceeds from the sale of gifts donated to the fund, from fines or other monetary penalties, and from investment earnings from any portion of the fund, shall be deposited in the state library publications fund.

(c) All monies accruing to the state library publications fund are hereby appropriated continuously for the purposes specified in this

section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year; however, if the fund is abolished, its contents shall revert to the general fund of the state.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-36

Organization; supplemental duties

Sec. 36. The state library shall be organized in such manner as determined by the director with the approval of the board. The duties of the state library established by law may be supplemented by the board according to its discretion.

As added by Acts 1981, P.L.40, SEC.7.

IC 4-23-7.1-37

Director; appointment; qualifications

Sec. 37. (a) The board shall appoint a director to be the chief administrative officer of the state library.

(b) To qualify for the position of director, a person must:

(1) be a graduate of a college or university of recognized standing;

(2) have had special training in the technique and organization of library service; and

(3) possess such other qualifications as the board, in its discretion, may deem necessary.

As added by Acts 1981, P.L.40, SEC.7. Amended by P.L.100-2012, SEC.8; P.L.13-2013, SEC.7.

IC 4-23-7.1-38

Repealed

(As added by Acts 1981, P.L.40, SEC.7. Repealed by P.L.84-2012, SEC.10; P.L.100-2012, SEC.9.)

IC 4-23-7.1-39

Repealed

(As added by P.L.32-1985, SEC.7. Repealed by P.L.84-2012, SEC.11; P.L.133-2012, SEC.25.)

IC 4-23-7.1-39.1

State library advisory council; established; purpose; members

Sec. 39.1. (a) The state library advisory council is established for the purpose of advising the board and the state librarian concerning:

(1) general policies of the state library;

(2) plans or programs for library development and interlibrary cooperation;

(3) library research;

(4) professional development for librarians;

(5) standards and rules for library services;

(6) administration and distribution of state and federal funds; and

(7) other matters as requested by the board and the state librarian.

(b) The advisory council consists of not more than fifteen (15) members.

(c) The board shall appoint the members of the advisory council, with nominations for appointment from library organizations and the state librarian.

(d) Members of the advisory council shall serve two (2) year terms. However, the board shall stagger the terms of the initial appointees.

(e) Notwithstanding subsection (d), if a member misses a majority of the advisory council's meetings in a calendar year, the board may remove the member and appoint a new member to serve the remainder of the term of the member removed under this subsection.

(f) A member of the advisory council is not entitled to compensation, per diem, or reimbursement for expenses.

(g) A quorum of the members must be present for the advisory council to take any official action. A quorum of the advisory council consists of a majority of the members appointed to the advisory council. An affirmative vote by a majority of the members present is needed for the advisory council to make a recommendation or take any official action.

As added by P.L.84-2012, SEC.12. Amended by P.L.13-2013, SEC.8.

IC 4-23-7.1-40

Talking book program

Sec. 40. (a) The Indiana state library is the agency responsible for implementing the talking book program in Indiana.

(b) The Indiana state library may cooperate with the Library of Congress or any other agency in implementing the talking book program.

As added by P.L.25-1990, SEC.1.

IC 4-23-7.1-40.5

Accessible electronic information service; fund established

Sec. 40.5. (a) For purposes of this section, "accessible electronic information service" means a service that provides to an eligible individual news and other timely information, including newspapers, from a multistate service center, using high speed computers and telecommunications technology for Internet acquisition of content and rapid distribution in a form appropriate for use by an eligible individual.

(b) For purposes of this section, "director" refers to the director of the Indiana talking books and braille division of the Indiana state library.

(c) For purposes of this section, "eligible individual" means an

individual who is blind or has a disability and qualifies for services under 36 CFR 701.10(b).

(d) For purposes of this section, "qualified entity" means an agency, instrumentality, or political subdivision of the state or a nonprofit organization that:

(1) using computer technology, produces audio or braille editions of daily news reports, including newspapers, for the purpose of providing eligible individuals with access to news;

(2) obtains electronic news text through direct transfer arrangements made with participating news organizations; and

(3) provides a means of program administration and reader registration on the Internet.

(e) The director may enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible individuals. This service shall be planned for continuation from year to year and make maximum use of federal and other funds available by:

(1) obtaining grants or in kind support from appropriate programs; and

(2) securing access to low cost interstate rates for telecommunications by reimbursement or otherwise.

(f) The accessible electronic information service fund is established for purposes of this section. The fund consists of appropriations from the general assembly, loan proceeds, and gifts and grants to the fund.

(g) The treasurer of state shall invest the money in the accessible electronic information service fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(h) The money in the accessible electronic information service fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this section.

As added by P.L.136-2005, SEC.1. Amended by P.L.27-2006, SEC.1; P.L.99-2007, SEC.10.

IC 4-23-7.1-41

Historic library building improvement matching grant program and fund

Sec. 41. (a) As used in this section, "historic library building" means a building that is currently used or will be returned to use for public library purposes and:

(1) was originally constructed for use as a public library with money donated by Andrew Carnegie; or

(2) is listed on the National Register of Historic Places.

(b) As used in this section, "fund" refers to the historic library building improvement fund established under subsection (c).

(c) The historic library building improvement matching grant

program and fund are established for the purpose of providing matching grants to public libraries to restore and repair historic library buildings. The state library shall:

(1) provide details for the matching grant program, including eligibility and match requirements; and

(2) administer the fund.

(d) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Grants and gifts that the state library receives for the fund under terms, obligations, and liabilities that the state library considers appropriate.

(e) The expenses of administering the fund shall be paid from money in the fund.

(f) The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. The treasurer of state shall deposit in the fund the interest that accrues from the investment of the fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.94-2001, SEC.1.

IC 4-23-7.1-42

State library foundation; board

Sec. 42. (a) The board may establish a foundation that is organized as a nonprofit corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to solicit and accept private funding, gifts, donations, bequests, devises, and contributions. The board may transfer private funding, gifts, donations, bequests, devises, and contributions intended for the state library that are in the state treasury into the foundation.

(b) A foundation established under this section:

(1) shall use money received under subsection (a) to:

(A) support the state library and libraries in the state; and

(B) carry out the purposes and programs under this chapter; and

(2) may deposit money received under subsection (a) in an account or fund that is:

(A) administered by the foundation; and

(B) not part of the state treasury.

(c) The foundation established under this section is governed by a board of directors consisting of the following members:

(1) Seven (7) voting members appointed by the board of directors.

(2) The state treasurer, who shall serve as a nonvoting member.

(d) The members appointed under subsection (c)(1) shall be appointed for a term of three (3) years but may be removed by the governor for cause.

(e) The affirmative votes of at least four (4) members of the board of directors are required for the foundation to take any official action.

(f) Employees of the state library may provide administrative support for the foundation.

(g) All money under the foundation's control is considered private funding and is not subject to state laws that apply to public funds. Money under the foundation's control at the end of a state fiscal year does not revert to the state general fund.

(h) The foundation shall submit to an annual audit. The foundation may choose to have the audit performed by an independent certified public accountant or by the state board of accounts.

As added by P.L.47-2011, SEC.1. Amended by P.L.91-2014, SEC.3.

IC 4-23-7.2

Chapter 7.2. Historical Bureau

IC 4-23-7.2-1

Definitions

Sec. 1. As used in this chapter:

(1) "Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.

(2) "Board" means the Indiana library and historical board established by IC 4-23-7-2.

(3) "Department" means the Indiana library and historical department established by IC 4-23-7-1.

(4) "Director" means director of the Indiana historical bureau.

(5) "Historical bureau" means the Indiana historical bureau established by IC 4-23-7-3.

(6) "Library" means the Indiana state library established by IC 4-23-7-3.

As added by Acts 1981, P.L.40, SEC.8.

IC 4-23-7.2-2

Duties and functions

Sec. 2. (a) It is the duty of the historical bureau to edit and publish documentary and other material relating to the history of the state of Indiana and to promote the study of Indiana history.

(b) As appropriate, the historical bureau shall work with the Indiana historical society, the county historical societies, and any other person, agency, or organization concerned with Indiana history.

As added by Acts 1981, P.L.40, SEC.8. Amended by P.L.25-1990, SEC.2.

IC 4-23-7.2-3

Statistical or informational materials; publication; expenses

Sec. 3. The historical bureau may compile and publish digests, reports and bulletins of purely informational or statistical character on any question which the board may deem to be of interest or value to the people of the state. Any expenses which may be incurred in the publication of any such digest, report or bulletin shall be defrayed out of the funds which may be appropriated for the use of the department or the historical bureau.

As added by Acts 1981, P.L.40, SEC.8.

IC 4-23-7.2-4

Cooperation with educational or other institutions, organizations, or individuals

Sec. 4. The historical bureau may cooperate with any of the educational institutions of the state or other institutions,

organizations or individuals for the purpose of meeting its responsibilities in any manner and to any extent which may be approved by the board.
As added by Acts 1981, P.L.40, SEC.8.

IC 4-23-7.2-5
Payment of bureau expenses incurred in publication of source and other historical material

Sec. 5. All expenses incurred in the preparation, compilation, printing, binding and publication of the volumes of source and other historical material issued by the historical bureau shall be defrayed out of funds at the disposal of the bureau which may be appropriated by law for that purpose, under the terms of any contract which the state may have executed and entered into for public printing, and under the direction and supervision of the historical bureau.
As added by Acts 1981, P.L.40, SEC.8. Amended by P.L.171-2015, SEC.5.

IC 4-23-7.2-6
Copies of publications; furnishing to public libraries and others free; sale

Sec. 6. One (1) copy of each publication issued by the historical bureau shall be furnished to each public library in the state, and the board may furnish copies free of charge to such other persons, institutions or departments as in its judgment may be entitled thereto. The copies so remaining shall be sold by the bureau at a price which shall be fixed by the board.
As added by Acts 1981, P.L.40, SEC.8.

IC 4-23-7.2-7
Publications and educational fund; establishment; use; deposits

Sec. 7. (a) The historical bureau publications and educational fund is established as a dedicated fund to be administered by the historical bureau. The monies in the fund may be expended by the director of the historical bureau exclusively for the publication of historical documents and other material to promote the study of Indiana history, and to inform the people of Indiana concerning the history of their state.

(b) The proceeds from the sale of items as directed by law or by the director of the historical bureau, from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the historical bureau publications fund.

(c) All monies accruing to the historical bureau publications fund are hereby appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year; however, if the fund is abolished, its

contents shall revert to the general fund of the state.
As added by Acts 1981, P.L.40, SEC.8.

IC 4-23-7.2-8
Repealed
(As added by Acts 1981, P.L.40, SEC.8. Amended by P.L.31-1997, SEC.1. Repealed by P.L.69-2009, SEC.12.)

IC 4-23-7.2-9
Repealed
(As added by Acts 1981, P.L.40, SEC.8. Repealed by P.L.69-2009, SEC.12.)

IC 4-23-7.2-10
Repealed
(As added by Acts 1981, P.L.40, SEC.8. Repealed by P.L.84-2012, SEC.13.)

IC 4-23-7.2-11
Indiana historical marker program; advisory committee; state highways
Sec. 11. (a) The historical bureau shall establish the Indiana historical marker program for marking historical sites in Indiana. As a part of this program, the historical bureau shall fix a state format for historical markers. No person may erect an historical marker in the state format without the approval of the historical bureau. All historical markers in the state format shall be provided by the historical bureau using appropriated funds, local matching funds, donations, grants, or any other funds provided for that purpose according to the guidelines and rules of the historical marker program.

(b) The board may appoint a historical marker advisory committee to serve without compensation. The committee may advise the board and the director concerning the following:

(1) Guidelines and rules for the historical marker program.
(2) Appropriate sites to be marked.
(3) Other matters concerning the historical marker program as requested by the board or the director.

(c) Historical markers approved under this section, including state format markers installed after 1945 and markers installed by the Indiana Civil War centennial commission, are the property of the state. Maintenance of state historical markers is part of the historical marker program. The historical bureau may cooperate with individuals, local and state agencies, and private institutions and organizations for the maintenance of the historical markers. Funds made available to the historical marker program, as approved by the board, may be used for necessary maintenance.

(d) No historical marker may be erected on a highway of the state

highway system without the approval of the historical bureau as to its historical accuracy. This provision is in addition to any other requirement of law.
As added by Acts 1981, P.L.40, SEC.8. Amended by P.L.38-1989, SEC.1; P.L.31-1997, SEC.2; P.L.84-2012, SEC.14.

IC 4-23-7.2-12
George Rogers Clark Day
Sec. 12. The historical bureau shall commemorate George Rogers Clark in a manner fitting each occasion of George Rogers Clark Day, every twenty-fifth day of February, established by IC 1-1-13-1.
As added by Acts 1981, P.L.40, SEC.8. Amended by P.L.84-2012, SEC.15.

IC 4-23-7.2-13
Public officers; duty to supply requested information
Sec. 13. Each state, county, township, city, town, judicial, or other public officer having in the officer's charge or custody or capable of supplying, or required to collect and compile the information which may be required by the historical bureau, shall supply the information promptly at the request of the historical bureau, whether the request is oral or by letter or circular or by the filling out of blank forms provided for that purpose by the historical bureau.
As added by Acts 1981, P.L.40, SEC.8. Amended by P.L.215-2016, SEC.97.

IC 4-23-7.2-14
Rules; promulgation
Sec. 14. The board may promulgate rules, under IC 4-22-2, to carry out the provisions and purpose of this chapter.
As added by Acts 1981, P.L.40, SEC.8.

IC 4-23-7.2-15
Organization of bureau; supplemental duties
Sec. 15. The historical bureau shall be organized in such manner as determined by the director with the approval of the board. The duties of the historical bureau established by law may be supplemented by the board according to its discretion.
As added by Acts 1981, P.L.40, SEC.8.

IC 4-23-7.2-16
Director; appointment; qualifications
Sec. 16. (a) The board shall appoint a director to be the chief administrative officer of the historical bureau.
(b) To qualify for the position of director, a person must:
(1) be a graduate of a college or university of recognized standing;
(2) have had special training in the nature, relative value and

use of historical source material;

(3) have had special training in the editing of historical publications; and

(4) possess such other qualifications as the board, in its discretion, may deem necessary.

As added by Acts 1981, P.L.40, SEC.8. Amended by P.L.100-2012, SEC.10.

IC 4-23-7.2-17
Repealed

(As added by Acts 1981, P.L.40, SEC.8. Repealed by P.L.100-2012, SEC.11.)

IC 4-23-7.2-18
Advisory committee; appointment

Sec. 18. The board may appoint an advisory committee of not to exceed nine (9) members, who shall consult and advise with the director of the historical bureau concerning the publication of historical material, the promotion of the interest of the historical societies of Indiana, and in the conduct of the historical work of the state generally. The committee so appointed shall serve without compensation.

As added by Acts 1981, P.L.40, SEC.8.

IC 4-23-7.2-19
Publications of select committee on centennial history of general assembly; deposit of proceeds

Sec. 19. The proceeds from the sale of all publications of the select committee on the centennial history of the Indiana general assembly, alone or in cooperation with the Indiana historical bureau, shall be deposited in the historical bureau publications and educational fund.

As added by P.L.37-1987, SEC.1.

IC 4-23-7.3

Chapter 7.3. Indiana GIS Mapping Standards

IC 4-23-7.3-1

"Data exchange agreement"

Sec. 1. As used in this chapter, "data exchange agreement" means an agreement concerning the exchange of any GIS data or framework data.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-2

"Electronic map"

Sec. 2. As used in this chapter, "electronic map" has the meaning set forth in IC 5-14-3-2.

As added by P.L.198-2007, SEC.2. Amended by P.L.248-2013, SEC.1.

IC 4-23-7.3-3

"Framework data"

Sec. 3. (a) As used in this chapter, "framework data" means common electronic map information for a geographic area.

(b) The term includes the following:

(1) Digital orthophotography.
(2) Digital cadastre.
(3) Public land survey system.
(4) Elevation.
(5) Geodetic control.
(6) Governmental boundary units.
(7) Water features.
(8) Addresses.
(9) Streets.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-4

"Fund"

Sec. 4. As used in this chapter, "fund" refers to the Indiana mapping data and standards fund established by section 19 of this chapter.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-5

"GIS"

Sec. 5. As used in this chapter, "GIS" refers to geographic information systems.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-6

"IGIC"

Sec. 6. As used in this chapter, "IGIC" refers to the nonprofit entity known as the Indiana Geographic Information Council, or its successor organization.
As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-7
"Political subdivision"
Sec. 7. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.
As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-8
"State agency"
Sec. 8. As used in this chapter, "state agency" has the meaning set forth in IC 4-13-1-1.
As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-9
"State data center"
Sec. 9. As used in this chapter, "state data center" refers to the state data center established under IC 4-23-7.1.
As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-10
"State GIS officer"
Sec. 10. As used in this chapter, "state GIS officer" refers to the individual appointed under section 13 of this chapter.
As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-11
"Statewide base map"
Sec. 11. As used in this chapter, "statewide base map" means an electronic map of Indiana consisting of framework data for Indiana.
As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-12
"Statewide data integration plan"
Sec. 12. As used in this chapter, "statewide data integration plan" means a plan:
(1) to integrate GIS data and framework data developed and maintained by different units of the federal, state, and local government into statewide coverage of framework data; and
(2) that includes details for:
(A) an inventory of existing data;
(B) stakeholder data requirements;
(C) identification of data stewards;
(D) data standards and schema, costs, work flow, data transfer mechanisms, update frequency, and maintenance;

and

(E) identification of appropriate data sharing policies and mechanisms to facilitate intergovernmental data exchange, such as data exchange agreements.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-13

State GIS officer; appointment; qualifications

Sec. 13. (a) The governor shall appoint an individual as the state GIS officer.

(b) The individual appointed by the governor must be an experienced geography and mapping professional who has:

(1) extensive knowledge of the principles, practices, terminology, and trends in GIS, spatial data, analysis, and related technology; and

(2) experience in administration, project management, policy development, coordination of services, and planning.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-14

State GIS officer; duties

Sec. 14. The state GIS officer shall do the following:

(1) Function as the chief officer for GIS matters for state agencies.

(2) Review and either veto or adopt both the:

(A) state's GIS data standards; and

(B) statewide data integration plan;

as recommended by the IGIC. If either of the recommendations is vetoed, the state GIS officer shall return the recommendation to the IGIC with a message announcing the veto and stating the reasons for the veto. If the IGIC ceases to exist or refuses to make the recommendations listed in this subdivision, the state GIS officer may develop and adopt state GIS data standards and a statewide data integration plan. The standards and the plan adopted under this subdivision must promote interoperability and open use of data with various GIS software, applications, computer hardware, and computer operating systems.

(3) Act as the administrator of:

(A) the state standards and policies concerning GIS data and framework data; and

(B) the statewide data integration plan.

(4) Enforce the state GIS data standards and execute the statewide data integration plan adopted under subdivision (2) through the use of:

(A) GIS policies developed for state agencies; and

(B) data exchange agreements involving an entity other than a state agency.

(5) Coordinate the state data center's duties under this chapter.

(6) Act as the state's representative for:
(A) requesting grants available for the acquisition or enhancement of GIS resources; and
(B) preparing funding proposals for grants to enhance coordination and implementation of GIS.
(7) Review and approve, in accordance with the statewide data integration plan, the procurement of GIS goods and services involving the state data center or a state agency.
(8) Cooperate with the United States Board on Geographic Names established by P.L.80-242 by serving as the chair of a committee formed with the IGIC as the state names authority for Indiana.
(9) Publish a biennial report. The report must include the status and metrics on the progress of the statewide data integration plan.
(10) Represent the state's interest to federal agencies regarding the National Spatial Data Infrastructure.
(11) Serve as the state's primary point of contact for communications and discussions with federal agencies regarding framework data, spatial data exchanges, cost leveraging opportunities, spatial data standards, and other GIS related issues.
(12) Facilitate GIS data cooperation between units of the federal, state, and local governments.
(13) Promote the development and maintenance of statewide GIS data and framework data layers associated with a statewide base map.
(14) Approve and maintain data exchange agreements to which the state data center or a state agency is a party to increase the amount and quality of GIS data and framework data available to the state.
(15) Use personnel made available from state educational institutions to provide technical support to the:
(A) state GIS officer in carrying out the officer's duties under this chapter; and
(B) IGIC.

As added by P.L.198-2007, SEC.2. Amended by P.L.3-2008, SEC.11.

IC 4-23-7.3-15
Publication and access requirements; public disclosure

Sec. 15. The publication and access requirements of this chapter do not apply to data that would otherwise be exempt from public disclosure under IC 5-14-3-4(b)(19).

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-16
Dissemination of GIS data and framework data

Sec. 16. With money from the fund, the state GIS officer, through

the data center, the IGIC, and the other organizations, shall do the following:

(1) Ensure that there are adequate depositories of all GIS data and framework data obtained by a state agency.

(2) Acquire, publish, store, and distribute GIS data and framework data through the computer gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology and through the state data center. The state GIS officer may also provide access through the IGIC and other entities as directed by the state GIS officer.

(3) Integrate GIS data and framework data developed and maintained by state agencies and political subdivisions into the statewide base map.

(4) Maintain a state historical archive of GIS data, framework data, and electronic maps.

(5) Except as otherwise provided in this chapter, provide public access to GIS data and framework data in locations throughout Indiana.

(6) Provide assistance to state agencies and political subdivisions regarding public access to GIS data and framework data so that information is available to the public while confidentiality is protected for certain data from electronic maps.

(7) Develop and maintain statewide framework data layers associated with a statewide base map or electronic map.

(8) Publish and distribute the state GIS data standards and the statewide data integration plan adopted under section 14(2) of this chapter.

(9) Subject to section 20 of this chapter, make GIS data, framework data, and electronic maps available for use by the Indiana Business Research Center.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-17

Coordination with state educational institutions

Sec. 17. The state GIS officer shall coordinate with state educational institutions to do the following:

(1) Promote formal GIS education opportunities for full-time and part-time students.

(2) Provide informal GIS learning opportunities through a series of seminars and noncredit concentrated classes provided throughout Indiana.

(3) Coordinate research assets for the benefit of Indiana by maintaining inventories of the universities' academic and technical GIS experts, data and technology resources as provided by the universities, and research interests for collaboration to pursue research grant opportunities.

(4) Implement an outreach network to Indiana political

subdivisions to enhance communication and data sharing among state government, political subdivisions, and the business community.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-18

Provision of services by state educational institutions to the state and political subdivisions

Sec. 18. (a) Except as provided in subsection (b), a state educational institution may not bid on contracts to provide photogrametry services or framework layer data conversion services for the benefit of a state agency or political subdivision. This section shall not be construed to prohibit the purchase of any of the following by a state agency or political subdivision from a state educational institution:

(1) GIS data or framework data.

(2) Data previously created by the state educational institution as part of the educational, research, or service mission of the state educational institution.

(b) If there is a lack of qualified bids on contracts referred to in subsection (a) by entities other than state educational institutions, the state agency or political subdivision may, with the advice of the state GIS officer, solicit bids from state educational institutions.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-19

Indiana mapping data and standards fund

Sec. 19. (a) The Indiana mapping data and standards fund is established for the following purposes:

(1) Funding GIS grants.

(2) Administering this chapter.

(b) The fund consists of the following:

(1) Appropriations made to the fund by the general assembly.

(2) Gifts, grants, or other money received by the state for GIS purposes.

(c) The state GIS officer shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-20

Political subdivision control of GIS data and framework data

provided to the state; data exchange agreement

Sec. 20. (a) Except as provided in subsections (b), (c), and (d), a political subdivision maintains the right to control the sale, exchange, and distribution of any GIS data or framework data provided by the political subdivision to the state through a data exchange agreement entered into under this chapter.

(b) A political subdivision may agree, through a provision in a data exchange agreement, to allow the sale, exchange, or distribution of GIS data or framework data provided to the state.

(c) Subsection (a) does not apply to data that is otherwise required by state or federal law to be provided by a political subdivision to the state or federal government.

(d) As a condition in a data exchange agreement for providing state GIS data or framework data to a political subdivision, the state GIS officer may require the political subdivision to follow the state GIS data standards and the statewide data integration plan when the political subdivision makes use of the GIS data or framework data as provided by the state.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-21

Statute not to be construed to restrict standards for GIS hardware or software for political subdivisions; "Buy Indiana Presumption" to be observed

Sec. 21. (a) Nothing in this chapter shall be construed to permit the IGIC, the state GIS officer, or the state data center to recommend or restrict standards for GIS hardware or software that a proprietary vendor provides to any political subdivision.

(b) It is the intent of the general assembly in enacting this chapter to promote high technology enterprise and employment within Indiana. To the extent practicable, the "Buy Indiana Presumption" required by Executive Order 05-05, shall be observed with respect to all procurement decisions related to this chapter, so long as Executive Order 05-05 is in effect.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.3-22

Publication and access requirements do not supersede IC 5-14-3

Sec. 22. The publication and access requirements of this chapter do not supersede IC 5-14-3.

As added by P.L.198-2007, SEC.2.

IC 4-23-7.5
Repealed

(Repealed by Acts 1982, P.L.1, SEC.71.)

IC 4-23-8

Chapter 8. Acceptance of Gifts, Bequests, and Devises by Indiana Library and Historical Board

IC 4-23-8-1

Authority

Sec. 1. Express power and authority is hereby given to the Indiana library and historical board to accept gifts, bequests and devises of personal and real property for the maintenance, use or benefit of the Indiana library and historical department.

(Formerly: Acts 1939, c.116, s.1.)

IC 4-23-8-2

Acceptance of gifts, bequests, and devises

Sec. 2. Said Indiana library and historical board may accept such gifts, bequests and devises as provided in section 1 hereof, with such terms and conditions and with such obligations, liabilities and burdens as are imposed thereon when in the judgment of said board and with the approval of the governor it shall be determined that it is for the best interest of said department to do so: Provided, however, That no obligation, liability or burden shall be assumed on account thereof in excess of appropriations made by law and applicable to the payment of such obligations, liabilities and burdens.

(Formerly: Acts 1939, c.116, s.2.)

IC 4-23-8-3

Administration

Sec. 3. Any law to the contrary notwithstanding, any gift, bequest or devise received by said Indiana library and historical board, shall not be required to be covered into the general fund, but shall be administered by said board according to the terms of said gift, bequest or devise.

(Formerly: Acts 1939, c.116, s.3.)

IC 4-23-9

Chapter 9. Publication and Distribution of Reports of Indiana Academy of Science

IC 4-23-9-1

Distribution of reports

Sec. 1. The annual reports of the meetings of the Indiana Academy of Science, beginning with the report for the year 1894, including all papers of scientific or economic value presented at such meetings, after they shall have been edited and prepared for publication shall be published by the Indiana Academy of Science.
(Formerly: Acts 1895, c.130, s.1.) As amended by Acts 1979, P.L.40, SEC.14; P.L.91-2014, SEC.4.

IC 4-23-9-2

Preparation of reports for publication; expenses

Sec. 2. The reports shall be edited and prepared for publication without expense to the state, by a corps of editors to be selected and appointed by the Indiana Academy of Science, who shall not, by reason of such services, have any claim against the state for compensation. The form, style of binding, paper, typography, and manner and extent of illustration of the reports shall be determined by the editors. Not less than one hundred (100) nor more than three thousand (3,000) copies of each of said reports shall be published, the number of which must be determined by the concurrent decision of the editors and the Indiana state library.
(Formerly: Acts 1895, c.130, s.2.) As amended by Acts 1979, P.L.40, SEC.15; P.L.91-2014, SEC.5.

IC 4-23-9-3

Custody of reports

Sec. 3. (a) The Indiana Academy of Science shall provide copies of each volume of said reports to the Indiana state library. The number of copies provided to the Indiana state library shall be determined by the Indiana Academy of Science and the state librarian. The Indiana state library shall, upon request, furnish one (1) copy thereof to the following:

(1) Each public library in the state.

(2) Each university or college in the state.

(3) Other institutions, societies, or persons designated by the academy through its editors or its council.

(b) The Indiana Academy of Science shall pay for shipping of a report under subsection (a) to a recipient located outside Indiana.

(c) To the extent that the Indiana Academy of Science makes papers and proceedings of the Indiana Academy of Science available to the public through open electronic access, the Indiana state library has no duty to furnish hard copies of the papers and proceedings.
(Formerly: Acts 1895, c.130, s.3.) As amended by P.L.91-2014,

SEC.6.

IC 4-23-10

Chapter 10. Appropriation for Publication of Reports of Indiana Academy of Science

IC 4-23-10-1

Repealed

(Formerly: Acts 1921, c.267, s.1.) Repealed by P.L.91-2014, SEC.7.)

IC 4-23-11
Repealed
(Repealed by Acts 1982, P.L.15, SEC.30.)

IC 4-23-12

Chapter 12. Indiana Commission for Arts and Humanities in Education

IC 4-23-12-1

Creation

Sec. 1. There is hereby created a commission to be known as the Indiana commission for arts and humanities in education. On and after July 1, 1974, the commission shall consist of eight (8) members and the state superintendent of public instruction. The eight (8) members shall be appointed by the governor and shall serve for a term of four (4) years; provided however, that four (4) of the commissioners who are initially appointed shall serve for two (2) years. In the event of a vacancy, the governor shall appoint a successor to complete the unexpired term. In making such appointments, due consideration shall be given to any recommendation made by any other organization concerned with or engaged in arts and humanities in education. Insofar as is practical, members of the commission shall be selected so as to give representation to the various geographical areas of the state and to interested organizations. The state superintendent shall serve as chairman of the commission.

The meetings of the commission shall be held at least semi-annually and at such other times as may be necessary. All meetings shall be upon call of the chairman.

The members of the commission shall not be required to devote their full time to commission duties, but shall devote such time as is necessary to carry out said duties under this chapter. Members of the commission shall serve without pay, but shall be reimbursed for their reasonable and necessary expenses actually incurred in carrying out their duties. Five (5) members of the commission shall constitute a quorum for the transaction of the business of the commission.

(Formerly: Acts 1974, P.L.10, SEC.1.)

IC 4-23-12-2

Powers and duties

Sec. 2. It shall be the responsibility of the commission to stimulate and encourage arts and humanities programs in the public schools of the state.

In furthering this responsibility, the commission shall exercise the following powers, and may establish the necessary procedures, mechanisms and responsible and legal entities to enable the commission:

(a) To enter into contracts within the limited funds available with individuals, organizations and institutions for service furthering the objectives of the commission's program;

(b) To accept gifts, contributions and bequests of funds from individuals, foundations, corporations and other organizations or

institutions;

(c) To make and sign any agreements and to do and perform any acts that may be necessary to carry out its purpose and duties.

(Formerly: Acts 1974, P.L.10, SEC.1.) As amended by Acts 1978, P.L.6, SEC.8.

IC 4-23-12-3

Chief administrative officer

Sec. 3. The chief administrative officer of the commission shall be the state superintendent of public instruction. The chief administrative officer shall provide office facilities and personnel to keep adequate records pertaining to the commission's business and may designate a professional employee of the department of education as executive secretary. It shall be the duty of the executive secretary to conduct business as directed by the commission.

(Formerly: Acts 1974, P.L.10, SEC.1.) As amended by P.L.20-1984, SEC.1; P.L.215-2016, SEC.98.

IC 4-23-12.5
Repealed

(Repealed by Acts 1975, P.L.31, SEC.1.)

IC 4-23-13
Repealed
(Repealed by Acts 1977, P.L.6, SEC.1.)

IC 4-23-14
Repealed
(Repealed by P.L.18-1987, SEC.112.)

IC 4-23-14.1
Repealed
(Repealed by P.L.18-1987, SEC.112.)

IC 4-23-14.2
Repealed

(Repealed by P.L.18-1987, SEC.112.)

IC 4-23-15

Chapter 15. Governor's Residence Commission

IC 4-23-15-1

Creation; membership

Sec. 1. (a) There is created a commission to be known as the governor's residence commission. This commission shall consist of seven (7) members, who shall each be appointed by and serve at the pleasure and discretion of the governor; and the governor shall be ex officio chairman of the commission.

(b) The commissioners shall each year designate one (1) member to serve as vice chairman, who shall act as chairman in the absence of the chairman, and one (1) member to serve as secretary, who shall be responsible for maintaining records of the proceedings of the commission, and such other officers as the commission deems necessary or desirable.

(c) All contracts, applications for grants, and other documents shall be executed in the name of the commission either by the chairman of the commission or, when authorized by resolution of the commission, by the vice chairman, and shall be attested by the secretary.

(d) The members of the commission shall not be required to devote their full time to their duties, but shall devote such time as is necessary to carry out their duties under this chapter. The members of the commission shall serve without pay, but shall be reimbursed for their reasonable and necessary expenses actually incurred in carrying out their duties.

(Formerly: Acts 1975, P.L.33, SEC.1.) As amended by P.L.28-1983, SEC.37.

IC 4-23-15-2

Duties

Sec. 2. The commission shall have the following purposes and duties:

(a) to provide the governor of the state of Indiana a suitable and fitting residential site located at the seat of state government; and

(b) to make provision to maintain, remodel, expand, finish, refinish, furnish or refurnish, construct or reconstruct such residential site either of the existing mansion and any expansion thereof, or any other acquired site for such governor's mansion, all as may be required from time to time.

(Formerly: Acts 1975, P.L.33, SEC.1.)

IC 4-23-15-3

Powers of commission; adoption of design; procurement of required construction

Sec. 3. The commission may also procure and adopt a design for the erection and construction of such suitable and fitting governor's

residence, including acquiring such design for any structural changes to the existing or expanded residence or for an acquired site and for modeling, remodeling, finishing or refinishing, furnishing, or refurnishing, and the commission may procure the erection, construction, and installation required by such design.
(Formerly: Acts 1975, P.L.33, SEC.1.) As amended by P.L.28-1983, SEC.38.

IC 4-23-15-4
Funds; acquisition of materials

Sec. 4. (a) All money appropriated by Acts 1967, c.180, s.3, and all money received by gift, bequest, or contributions shall not revert to the state general fund at the close of any fiscal year, but remains available for the use of this commission until the provisions of this chapter are fulfilled.

(b) Contracts entered into for the purchase or sale of any material or supplies, or for the performance of work or labor with money appropriated by the general assembly are subject to the bidding, advertising, and bonding procedures of IC 4-13-1.

(c) Acquisitions of materials, furnishings, and supplies, contracts, or work labor are not subject to the bidding, advertising, and bonding procedures if:

(1) acquired entirely by money received by gift, bequest, or contribution to the commission; or

(2) directly contributed by any person, partnership, corporation, limited liability company, association, or other organization.

(Formerly: Acts 1975, P.L.33, SEC.1.) As amended by P.L.1-1989, SEC.13; P.L.8-1993, SEC.31.

IC 4-23-15-5
Powers

Sec. 5. In furtherance of its purposes and duties, the commission shall have, and may exercise the following powers:

(1) To enter into contracts, within the limit of funds available therefor, with individuals, corporations, partnerships, limited liability companies, organizations and institutions for services furthering the objectives of the commission's programs.

(2) To accept gifts, contributions and bequests of funds from individuals, foundations, limited liability companies, corporations, and other organizations or institutions to be deposited in a special account separate and distinct from state and federal monies.

(3) To apply for, receive and disburse any funds available from the federal government in furtherance of the objectives of this chapter and to enter into any agreements which may be required by the federal government as a condition of obtaining such funds.

(4) To make and sign any agreements and to do and perform

any acts that may be necessary to carry out its purposes and duties.

(5) To exercise eminent domain.

(6) To make an annual report to the governor and the legislative council concerning its activities and its recommendations for future activities.

(7) To hold, invest and dispense for purposes of the commission's work, funds received by gift, bequest or contribution to the commission, and to open and maintain accounts in the commission's name for said monies with appropriate banks or trust companies. The commission may request the aid of the state board of accounts in establishing these accounts. Such accounts shall be subject to audit by the board of accounts.

An annual report made under subdivision (6) to the legislative council must be in electronic format under IC 5-14-6.

(Formerly: Acts 1975, P.L.33, SEC.1.) As amended by Acts 1979, P.L.17, SEC.5; P.L.8-1993, SEC.32; P.L.28-2004, SEC.47.

IC 4-23-16
Repealed
(Repealed by P.L.177-2005, SEC.47.)

IC 4-23-17
Repealed
(Repealed by P.L.39-1989, SEC.6.)

IC 4-23-17.1
Repealed
(Repealed by P.L.38-1985, SEC.6.)

IC 4-23-17.5
Repealed
(Repealed by P.L.9-1991, SEC.98.)

IC 4-23-18
Repealed
(Repealed by P.L.9-1991, SEC.98.)

IC 4-23-19
Repealed
(Repealed by P.L.16-1983, SEC.23(a).)

IC 4-23-20
Repealed
(Repealed by P.L.197-2011, SEC.153.)

IC 4-23-21
Repealed
(Repealed by P.L.1-1996, SEC.99.)

IC 4-23-22
Repealed

(Repealed by P.L.26-1989, SEC.25.)

IC 4-23-23
Repealed
(Repealed by P.L.1-1993, SEC.21.)

IC 4-23-24
Repealed
(Repealed by P.L.2-1996, SEC.297.)

IC 4-23-24.1

Chapter 24.1. Dr. Martin Luther King Jr. Indiana Holiday Commission

IC 4-23-24.1-0.1

Application of certain amendments to chapter to commission members

Sec. 0.1. The amendments made to section 3 of this chapter by P.L.199-2007 apply only to members of the commission appointed by the governor after December 31, 2008. A member of the commission appointed by the governor under section 3 of this chapter before January 1, 2009, may serve the entire four (4) year term to which the member was appointed, as provided in section 4(b) of this chapter.

As added by P.L.220-2011, SEC.48.

IC 4-23-24.1-1

"Commission" defined

Sec. 1. As used in this chapter, "commission" refers to the Dr. Martin Luther King Jr. Indiana holiday commission established by section 2 of this chapter.

As added by P.L.2-1996, SEC.213.

IC 4-23-24.1-2

Establishment of commission

Sec. 2. The Dr. Martin Luther King Jr. Indiana holiday commission is established.

As added by P.L.2-1996, SEC.213.

IC 4-23-24.1-3

Members

Sec. 3. The commission consists of thirteen (13) members, appointed as follows:

(1) Nine (9) members who are Indiana residents appointed by the governor. Each Indiana congressional district must be represented by at least one (1) individual appointed under this subdivision who is a resident of that congressional district. Not more than five (5) members appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the general assembly who are appointed under section 5 of this chapter.

As added by P.L.2-1996, SEC.213. Amended by P.L.170-2002, SEC.11; P.L.199-2007, SEC.1.

IC 4-23-24.1-4

Chairman

Sec. 4. (a) The governor shall annually designate one (1) of the members appointed under section 3(1) of this chapter as chairman of

the commission.

(b) Members of the commission appointed under subsection 3(1) of this chapter serve a four (4) year term.

As added by P.L.2-1996, SEC.213.

IC 4-23-24.1-5

Appointment of members; terms; vacancies; reappointment

Sec. 5. (a) Four (4) members of the general assembly shall be appointed as members of the commission as follows:

(1) The speaker of the house of representatives shall appoint two (2) members of the house of representatives, both of whom may not be members of the same political party.

(2) The president pro tempore of the senate shall appoint two (2) members of the senate, both of whom may not be members of the same political party.

(b) A member of the commission appointed under subsection (a) serves until the member's current term of office as a member of the general assembly expires.

(c) A vacancy under subsection (a) shall be filled by the officer who appointed the vacating legislator. A legislative member appointed under this subsection serves until the end of the unexpired term of the vacating legislator.

(d) A member of the commission appointed under this section may be reappointed.

As added by P.L.2-1996, SEC.213.

IC 4-23-24.1-6

Quorum

Sec. 6. Seven (7) members of the commission constitute a quorum.

As added by P.L.2-1996, SEC.213. Amended by P.L.199-2007, SEC.2.

IC 4-23-24.1-6.5

Authority of the commission; delegation of authority

Sec. 6.5. (a) The commission is responsible for making all policy decisions relating to the duties and powers of the commission.

(b) Neither:

(1) the staff support provided by the civil rights commission under section 8 of this chapter; nor

(2) the executive director of the Dr. Martin Luther King Jr. Indiana holiday commission;

may make any policy decisions on behalf of the commission relating to the duties and powers of the commission, except as authority to make such decision is delegated by the commission.

As added by P.L.199-2007, SEC.3.

IC 4-23-24.1-7

Travel expenses

Sec. 7. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency. Expenses incurred under this subsection shall be paid out of the funds appropriated to the lieutenant governor or the civil rights commission.

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

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

As added by P.L.2-1996, SEC.213. Amended by P.L.1-2006, SEC.83.

IC 4-23-24.1-8

Staff support

Sec. 8. The civil rights commission shall furnish the necessary staff support for the commission.

As added by P.L.2-1996, SEC.213.

IC 4-23-24.1-9

Commemorative programs or activities

Sec. 9. (a) The commission shall commemorate the birthday of Dr. Martin Luther King Jr. with programs or activities that:

(1) honor Dr. King's life and works; and

(2) reflect Dr. King's philosophy and dream of freedom, justice, and racial equality through nonviolent social change.

(b) The commission may do the following:

(1) Sponsor, promote, or engage in activities on dates other than the Dr. King holiday that honor Dr. Martin Luther King Jr. or that relate to the philosophy and principles advocated by Dr. King.

(2) Coordinate the commission's activities and projects with the Dr. Martin Luther King Jr. federal holiday commission, community organizations, local municipalities, and other entities that the commission determines to be appropriate.

As added by P.L.2-1996, SEC.213.

IC 4-23-24.2

Chapter 24.2. Indiana Advisory Commission on Intergovernmental Relations

IC 4-23-24.2-1

"Commission" defined

Sec. 1. As used in this chapter, "commission" refers to the Indiana advisory commission on intergovernmental relations established by section 4 of this chapter.

As added by P.L.2-1996, SEC.214.

IC 4-23-24.2-2

"Municipality" defined

Sec. 2. As used in this chapter, "municipality" has the meaning set forth in IC 36-1-2-11.

As added by P.L.2-1996, SEC.214.

IC 4-23-24.2-3

Repealed

(As added by P.L.2-1996, SEC.214. Repealed by P.L.14-2000, SEC.12.)

IC 4-23-24.2-4

Establishment of commission

Sec. 4. The Indiana advisory commission on intergovernmental relations is established.

As added by P.L.2-1996, SEC.214.

IC 4-23-24.2-5

Duties of commission

Sec. 5. (a) The commission shall do the following:

(1) Enhance coordination and cooperation between state and local governments.

(2) Review the effect of any federal or state legislation or any court decisions on local governmental entities.

(3) Act as a forum for consultation among state and local government officials.

(4) Conduct research on intergovernmental issues.

(5) Review studies of intergovernmental issues by universities, research and consulting organizations, and entities.

(6) Issue reports on the commission's activities.

(b) In addition to the duties set forth in subsection (a), the commission shall study the appropriate roles and responsibilities of the state, counties, municipalities, townships, and other political subdivisions in providing 911 and enhanced 911 services in Indiana. In conducting the study required by this subsection, the commission may consult with, or request necessary information or testimony from, local officials, public safety agencies, PSAPs (as defined in

IC 36-8-16.7-20), the statewide 911 board established by IC 36-8-16.7-24, providers (as defined in IC 36-8-16.7-19), and any other appropriate witnesses or experts. Not later than November 1, 2012, the commission shall submit to the legislative council and to the budget committee a report of the commission's findings and recommendations as a result of the study conducted under this subsection. The report to the legislative council and the budget committee under this subsection must be in an electronic format under IC 5-14-6. This subsection expires July 1, 2016.
As added by P.L.2-1996, SEC.214. Amended by P.L.132-2012, SEC.1; P.L.121-2016, SEC.6.

IC 4-23-24.2-6
Repealed
(Repealed by P.L.32-1997, SEC.6.)

IC 4-23-24.2-7
Members representing state government; tenure; powers
Sec. 7. (a) The following eleven (11) individuals are the members of the commission representing state government:
(1) Two (2) members of the senate appointed by the president pro tempore of the senate.
(2) Two (2) members of the senate appointed by the president pro tempore of the senate upon recommendation of the senate minority floor leader.
(3) Two (2) members of the house of representatives appointed by the speaker of the house of representatives.
(4) Two (2) members of the house of representatives appointed by the speaker of the house of representatives upon the recommendation of the house minority floor leader.
(5) The budget director or the director's designee.
(6) The governor or the governor's designee.
(7) The lieutenant governor or the lieutenant governor’s designee.
(b) A member of the commission who is a member of the general assembly serves on the commission until the earlier of the following:
(1) Two (2) years after the date of the member’s appointment.
(2) The date the member ceases to hold the legislative office the member held when appointed to the commission.
(c) Members listed in subsection (a)(5) through (a)(7) serve terms that are coterminous with the position or office the member held when the member was appointed to the commission.
(d) The commission may request a director of a state agency or the director’s designee to provide information to the commission. A director or the director’s designee shall cooperate with the commission.
As added by P.L.2-1996, SEC.214. Amended by P.L.32-1997, SEC.1.

IC 4-23-24.2-8
Members representing local governments; tenure

Sec. 8. (a) The following thirteen (13) individuals are the members of the commission representing local governments:

(1) Four (4) municipal officials, two (2) appointed by the president pro tempore of the senate and two (2) appointed by the speaker of the house of representatives from nominees of the Indiana Association of Cities and Towns, who may be selected as follows:

(A) The mayor of a first class city.

(B) One (1) member of the legislative body of a second class city.

(C) The mayor or a member of the legislative body of a third class city.

(D) The executive of a town.

(2) Four (4) county officials, two (2) appointed by the president pro tempore of the senate and two (2) appointed by the speaker of the house of representatives from nominees of the Association of Indiana Counties. One (1) member appointed under this subdivision may be a member of a county fiscal body and one (1) member appointed under this subdivision may be a member of a county executive.

(3) Two (2) township officials, one (1) appointed by the president pro tempore of the senate and one (1) appointed by the speaker of the house of representatives from nominees of the Township Trustees Association.

(4) One (1) person appointed by the governor who represents a regional or multiple county local governmental entity.

(5) Two (2) persons, one (1) appointed by the president pro tempore of the senate and one (1) appointed by the speaker of the house of representatives, who may have expertise or experience in intergovernmental relations.

A member appointed under this section may designate another individual to serve on the commission for the member.

(b) A member appointed under this section serves on the commission until the earliest of the following:

(1) Two (2) years after the date of the member's appointment.

(2) The date the member is removed by the member's appointing authority.

(3) The date the member no longer holds the office or position the member held when appointed to the commission.

As added by P.L.2-1996, SEC.214. Amended by P.L.32-1997, SEC.2.

IC 4-23-24.2-8.1
Vacancies

Sec. 8.1. When a vacancy occurs on the commission for any reason, the appointing authority shall appoint a qualified person to fill the remainder of the unexpired term.

As added by P.L.32-1997, SEC.3.

IC 4-23-24.2-9
Chairman and vice chairman

Sec. 9. (a) The chairman of the legislative council shall select a chairman and a vice chairman from among the legislative members of the commission.

(b) The chairman and vice chairman of the commission may not be members of the same political party.

(c) The commission shall meet at the call of the chairman. However, the commission shall meet at least two (2) times each year and at other times that the chairman considers necessary.

As added by P.L.2-1996, SEC.214. Amended by P.L.32-1997, SEC.4.

IC 4-23-24.2-10
Voting members; quorum

Sec. 10. (a) All members of the commission are voting members.

(b) Thirteen (13) members of the commission constitute a quorum.

(c) An affirmative vote of at least thirteen (13) members of the commission is required for the commission to take action.

As added by P.L.2-1996, SEC.214.

IC 4-23-24.2-11
Travel expenses

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

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

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

As added by P.L.2-1996, SEC.214.

IC 4-23-24.2-12

Staff and administrative support; director

Sec. 12. (a) Staff and administrative support for the commission shall be provided by the Indiana University's Center for Urban Policy and the Environment.

(b) The commission shall select a director for the commission.

As added by P.L.2-1996, SEC.214. Amended by P.L.32-1997, SEC.5.

IC 4-23-25

Chapter 25. Indiana Commission for Women

IC 4-23-25-1

"Agency"

Sec. 1. As used in this chapter, "agency" refers to any agency of the executive, legislative, or judicial branch of state government. The term includes a state educational institution.

As added by P.L.20-1996, SEC.1. Amended by P.L.2-2007, SEC.57.

IC 4-23-25-2

"Commission"

Sec. 2. As used in this chapter, "commission" refers to the Indiana commission for women established by section 3 of this chapter.

As added by P.L.20-1996, SEC.1.

IC 4-23-25-3

Establishment; membership

Sec. 3. (a) The Indiana commission for women is established.

(b) The commission consists of the following members:

(1) Six (6) members appointed by the governor. Not more than three (3) of the members appointed under this subdivision may be members of the same political party. At least four (4) of the members appointed under this subdivision must be women.

(2) Two (2) members appointed by the president pro tempore of the senate who are not members of the general assembly. Members appointed under this subdivision may not be members of the same political party. At least one (1) of the members appointed under this subdivision must be a woman.

(3) Two (2) members appointed by the speaker of the house of representatives who are not members of the general assembly. Members appointed under this subdivision may not be members of the same political party. At least one (1) of the members appointed under this subdivision must be a woman.

(4) Two (2) senators appointed in the same manner as members of senate standing committees are appointed. The appointed senators may not be members of the same political party. At least one (1) of the members appointed under this subdivision must be a woman.

(5) Two (2) members of the house of representatives appointed in the same manner as members of standing committees of the house of representatives are appointed. The appointed representatives may not be members of the same political party. At least one (1) of the members appointed under this subdivision must be a woman.

(6) The governor or the governor's designee serves as an ex officio member of the commission.

(c) A member appointed to the commission under subsection

(b)(1) serves a term of four (4) years or until a successor is appointed.

(d) A member appointed to the commission under subsection (b)(2) or (b)(3) serves a term of three (3) years or until a successor is appointed.

(e) A member appointed to the commission under subsection (b)(4) or (b)(5) serves the remainder of the member's term in office.

(f) The governor or the governor's designee serves while the governor remains in office.

(g) Notwithstanding subsections (c) through (d), if a member's term expires before a successor is appointed, the member's term is extended until a successor is appointed.

(h) Not more than four (4) members who are not members of the general assembly may be employees of state agencies.

(i) Commission membership must reflect a diversity of experience, skills, and backgrounds.

(j) A member's term may be renewed unless the member is:

(1) a member of the general assembly who no longer serves in the general assembly; or

(2) the governor or the governor's designee, and the governor is no longer in office.

(k) A member of the commission may be removed for cause.

As added by P.L.20-1996, SEC.1.

IC 4-23-25-4

Vacancies

Sec. 4. (a) If there is a vacancy on the commission, a new member must be appointed to fill the remainder of the unexpired term. The new member shall be appointed in the same manner as the vacating member.

(b) A member of the general assembly who is appointed to an unexpired term may not serve longer than the member's term in office.

As added by P.L.20-1996, SEC.1.

IC 4-23-25-5

Chairperson

Sec. 5. (a) The governor shall annually select one (1) member to serve as chairperson.

(b) The commission may select other officers for the commission.

As added by P.L.20-1996, SEC.1.

IC 4-23-25-6

Meetings; quorum

Sec. 6. (a) The commission shall meet at least one (1) time quarterly.

(b) The commission shall meet at the call of the chairperson.

(c) Eight (8) members of the commission constitute a quorum.

As added by P.L.20-1996, SEC.1.

IC 4-23-25-7
Duties of commission

Sec. 7. The commission's duties include the following:

(1) Assessment of the needs of Indiana women and their families and promotion of the full participation of Indiana women in all aspects of society, including:

(A) government;
(B) the economy;
(C) employment;
(D) education;
(E) social and family development;
(F) health care;
(G) the justice system; and
(H) other aspects of society identified by the commission.

(2) Advocacy for the removal of legal and social barriers for women.

(3) Cooperation with organizations and governmental agencies to combat discrimination against women.

(4) Identification and recognition of contributions made by Indiana women to their community, state, and nation.

(5) Representation of Indiana's commitment to improving the quality of life for women and their families.

(6) Consultation with state agencies regarding the effect upon women and their families of agency policies, emerging policies, procedures, practices, laws, and administrative rules.

(7) Maintenance of information concerning:

(A) organizations and governmental agencies serving women and their families; and
(B) the names, resumes, and other professional and career information about women available to serve as agency appointees.

(8) Evaluation of laws and governmental policies with respect to the needs of women and their families.

(9) Monitoring of legislation and other legal developments in order to make recommendations that support the commission's purposes to the general assembly and the governor.

(10) Action as a central clearinghouse for information concerning women and their families.

(11) Gathering, studying, and disseminating information on women and their families through publications, public hearings, conferences, and other means.

(12) Assessment of the needs of women and their families and the promotion of, development of, and assistance to other entities in providing programs and services to meet those needs.

(13) Provision of publicity concerning the purposes and activities of the commission.

(14) Service as a liaison between government and private interest groups concerned with serving the special needs of women.

(15) Submission of an annual report on the commission's activities to the governor and to the legislative council. An annual report submitted to the legislative council must be in an electronic format under IC 5-14-6.

As added by P.L.20-1996, SEC.1. Amended by P.L.28-2004, SEC.48.

IC 4-23-25-8
Powers of commission

Sec. 8. The commission may do the following:

(1) Appoint advisers or advisory committees.

(2) Transact business and enter into contracts that support the commission's purposes.

(3) Apply for, receive, and disburse gifts, contributions, and grants of funds or in-kind services.

(4) Adopt rules concerning the commission's operations and procedures.

(5) Adopt, rescind, and amend bylaws to regulate the conduct of the commission's business.

(6) Assign duties to the commission's officers under the commission's bylaws.

As added by P.L.20-1996, SEC.1.

IC 4-23-25-9
Administrative support

Sec. 9. The civil rights commission established by IC 22-9-1-4 shall provide staff and administrative support to the commission.

As added by P.L.20-1996, SEC.1. Amended by P.L.291-2001, SEC.167; P.L.126-2006, SEC.1; P.L.104-2008, SEC.1; P.L.133-2012, SEC.26.

IC 4-23-25-10
Special fund

Sec. 10. (a) The Indiana commission for women special fund is established for the purpose of providing money for special projects of the commission. The fund shall be administered by the treasurer of state.

(b) Expenses of administering the fund shall be paid from money in the fund. The fund consists of gifts, contributions, and funds donated to the commission.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest accrues to the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.20-1996, SEC.1.

IC 4-23-25-11
Repealed

(As added by P.L.126-2006, SEC.2. Amended by P.L.1-2007, SEC.19. Repealed by P.L.104-2008, SEC.23.)

IC 4-23-26

Chapter 26. Advisory Committee for Children With Special Health Needs

IC 4-23-26-1

"Committee" defined

Sec. 1. As used in this chapter, "committee" refers to the advisory committee for children with special health needs established by section 2 of this chapter.

As added by P.L.273-1999, SEC.161.

IC 4-23-26-2

Establishment

Sec. 2. The advisory committee for children with special health needs is established.

As added by P.L.273-1999, SEC.161.

IC 4-23-26-3

Members

Sec. 3. (a) The committee consists of the following members:

(1) The director of the children's special health care services program.

(2) The director of the first steps program.

(3) The chair of the governor's interagency coordinating council for early intervention.

(4) The chair of the children's special health care services advisory council under 410 IAC 3.2-11.

(5) The director of the division of special education created under IC 20-35-2-1.

(6) The director of the division of mental health and addiction.

(7) One (1) representative of the Indiana chapter of the American Academy of Pediatrics.

(8) One (1) representative of a family advocacy group.

(9) Three (3) parents of children with special health needs.

(10) Three (3) parents of children who are enrolled in the:

(A) children's health insurance program under IC 12-17.6; or

(B) Medicaid managed care program for children.

(b) The members under subdivisions (1) and (2) are nonvoting members.

As added by P.L.273-1999, SEC.161. Amended by P.L.215-2001, SEC.3; P.L.1-2005, SEC.68.

IC 4-23-26-4

Members; appointment; terms

Sec. 4. (a) The governor shall appoint the committee members under section 3(7), 3(8), 3(9), and 3(10) of this chapter.

(b) The term of each member appointed under subsection (a) is three (3) years.

(c) A committee member identified in subsection (a) may be reappointed to serve consecutive terms.
As added by P.L.273-1999, SEC.161.

IC 4-23-26-5
Chair
Sec. 5. (a) The director of the children's special health care services program is chair of the committee during odd numbered years.
(b) The director of the first steps program is chair of the committee during even numbered years.
As added by P.L.273-1999, SEC.161.

IC 4-23-26-6
Meetings
Sec. 6. The committee shall meet at least quarterly at the call of the chair.
As added by P.L.273-1999, SEC.161.

IC 4-23-26-7
Quorum
Sec. 7. Eight (8) members of the committee constitute a quorum.
As added by P.L.273-1999, SEC.161.

IC 4-23-26-8
Salary and expenses
Sec. 8. (a) Each member of the committee who is not a state employee is entitled to receive both of the following:
(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
(b) Each member of the committee who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.273-1999, SEC.161.

IC 4-23-26-9
Duties
Sec. 9. The committee shall advise and assist the children's health policy board established by IC 4-23-27-2 in the development, coordination, and evaluation of policies that have an impact on children, with a focus on children with special health needs, by doing

the following:

(1) Seeking information from families, service providers, advocacy groups, and health care specialists about state or local policies that impede the provision of quality service.

(2) Taking steps to ensure that relevant health policy issues that have an impact on children are forwarded to the children's health policy board.

(3) Advising the children's health policy board with respect to the integration of services across:

(A) programs; and

(B) state agencies;

for children with special health needs.

As added by P.L.273-1999, SEC.161.

IC 4-23-27

Chapter 27. Children's Health Policy Board

IC 4-23-27-1

"Board" defined

Sec. 1. As used in this chapter, "board" refers to the children's health policy board established by section 2 of this chapter.

As added by P.L.273-1999, SEC.162.

IC 4-23-27-2

Establishment

Sec. 2. The children's health policy board is established.

As added by P.L.273-1999, SEC.162.

IC 4-23-27-3

Members

Sec. 3. The board consists of the following members:

(1) The secretary of the family and social services administration.

(2) The state health commissioner.

(3) The insurance commissioner of Indiana.

(4) The state personnel director.

(5) The budget director.

(6) The state superintendent of public instruction.

(7) The director of the division of mental health and addiction.

As added by P.L.273-1999, SEC.162. Amended by P.L.215-2001, SEC.4.

IC 4-23-27-4

Chair

Sec. 4. The governor shall appoint a member of the board as chair of the board.

As added by P.L.273-1999, SEC.162.

IC 4-23-27-5

Quorum

Sec. 5. (a) Four (4) members of the board constitute a quorum.

(b) The affirmative vote of at least four (4) members of the board is required for the board to take any official action.

As added by P.L.273-1999, SEC.162.

IC 4-23-27-6

Meetings

Sec. 6. (a) The board shall meet monthly at the call of the chair.

(b) The board shall hold public hearings in diverse locations throughout the state at least three (3) times each year.

As added by P.L.273-1999, SEC.162.

IC 4-23-27-7
Duties

Sec. 7. The board shall direct policy coordination of children's health programs by doing the following:

(1) Developing a comprehensive policy in the following areas:
(A) Appropriate delivery systems of care.
(B) Enhanced access to care.
(C) The use of various program funding for maximum efficiency.
(D) The optimal provider participation in various programs.
(E) The potential for expanding health insurance coverage to other populations.
(F) Technology needs, including development of an electronic claim administration, payment, and data collection system that allows providers to have the following:
(i) Point of service claims payments.
(ii) Instant claims adjudication.
(iii) Point of service health status information.
(iv) Claims related data for analysis.
(G) Appropriate organizational structure to implement health policy in the state.

(2) Coordinating aspects of existing children's health programs, including the children's health insurance program, Medicaid managed care for children, first steps, and children's special health care services, in order to achieve a more seamless system easily accessible by participants and providers, specifically in the following areas:
(A) Identification of potential enrollees.
(B) Outreach.
(C) Eligibility criteria.
(D) Enrollment.
(E) Benefits and coverage issues.
(F) Provider requirements.
(G) Evaluation.
(H) Procurement policies.
(I) Information technology systems, including technology to coordinate payment for services provided through the children's health insurance program under IC 12-17.6 with:
(i) services provided to children with special health needs; and
(ii) public health programs designed to protect all children.

(3) Reviewing, analyzing, disseminating, and using data when making policy decisions.

(4) Overseeing implementation of the children's health insurance program under IC 12-17.6, including:
(A) reviewing:
(i) benefits provided by;
(ii) eligibility requirements for; and

(iii) each evaluation of;

the children's health insurance program on an annual basis in light of available funding;

(B) making recommendations for changes to the children's health insurance program to the office of the children's health insurance program established under IC 12-17.6-2-1; and

(C) studying benefits appropriate for children's mental health and addiction services.

As added by P.L.273-1999, SEC.162. Amended by P.L.107-2002, SEC.2.

IC 4-23-27-8

Expertise of other boards

Sec. 8. The board may draw upon the expertise of other boards, committees, and individuals whenever the board determines that such expertise is needed.

As added by P.L.273-1999, SEC.162.

IC 4-23-28

Chapter 28. Commission on Hispanic/Latino Affairs

IC 4-23-28-1

"Commission"

Sec. 1. As used in this chapter, "commission" refers to the commission on Hispanic/Latino affairs established by section 2 of this chapter.

As added by P.L.247-2003, SEC.1.

IC 4-23-28-2

Establishment

Sec. 2. The commission on Hispanic/Latino affairs is established.

As added by P.L.247-2003, SEC.1.

IC 4-23-28-3

Duties; topics of study

Sec. 3. (a) The commission shall do the following:

(1) Identify and research issues affecting the Hispanic/Latino communities.

(2) Promote cooperation and understanding between the Hispanic/Latino communities and other communities throughout Indiana.

(3) Report to the legislative council in an electronic format under IC 5-14-6 and to the governor concerning Hispanic/Latino issues, including the following:

(A) Conditions causing exclusion of Hispanics/Latinos from the larger Indiana community.

(B) Measures to stimulate job skill training and related workforce development.

(C) Measures to sustain cultural diversity while improving race and ethnic relations.

(D) Public awareness of issues affecting the Hispanic/Latino communities.

(E) Measures that could facilitate easier access to state and local government services by Hispanics/Latinos.

(F) Challenges and opportunities arising out of the growth of the Hispanic/Latino population.

(b) The commission may study other topics:

(1) as assigned by the governor;

(2) as assigned by the legislative council; or

(3) as directed by the commission's chairperson.

As added by P.L.247-2003, SEC.1. Amended by P.L.28-2004, SEC.49.

IC 4-23-28-4

Members; removal; vacancy

Sec. 4. (a) The commission consists of twenty (20) members

appointed as follows:

(1) Two (2) members of the senate who may not be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Two (2) members of the house of representatives who may not be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) Four (4) members of the Hispanic/Latino community who are not members of the general assembly, to be appointed by the president pro tempore of the senate.

(4) Four (4) members of the Hispanic/Latino community who are not members of the general assembly, to be appointed by the speaker of the house of representatives.

(5) The secretary of family and social services or a designee of the secretary who is a Hispanic or Latino employee of the office of the secretary of family and social services.

(6) The commissioner of the state department of health or a designee of the commissioner who is a Hispanic or Latino employee of the state department of health.

(7) The state superintendent of public instruction or a designee of the superintendent who is a Hispanic or Latino employee of the department of education.

(8) The commissioner of the department of correction or a designee of the commissioner who is a Hispanic or Latino employee of the department of correction.

(9) The director of the civil rights commission or a designee of the director who is a Hispanic or Latino employee of the civil rights commission.

(10) The lieutenant governor or a designee of the lieutenant governor who is a Hispanic or Latino employee of the lieutenant governor.

(11) A Hispanic or Latino business person, appointed by the governor.

(12) The commissioner of workforce development or a designee of the commissioner who is a Hispanic or Latino employee of the department of workforce development, who shall serve as an ex officio member of the commission.

In making their appointments under this section, the president pro tempore of the senate and the speaker of the house of representatives shall attempt to have the greatest possible number of counties represented on the commission.

(b) If a legislative member of the commission ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the commission.

(c) A member of the commission may be removed at any time by the appointing authority who appointed the member.

(d) If a vacancy on the commission occurs, the appointing authority who appointed the former member whose position has

become vacant shall appoint an individual to fill the vacancy.
As added by P.L.247-2003, SEC.1. Amended by P.L.1-2006, SEC.84.

IC 4-23-28-5
Meetings; subcommittees

Sec. 5. (a) The commission shall meet on call of the chairperson and at other times that the commission determines.

(b) The chairperson may designate subcommittees to meet between commission meetings and report back to the full commission.
As added by P.L.247-2003, SEC.1.

IC 4-23-28-6
Chairperson; vice chairperson

Sec. 6. (a) At the first meeting of the commission each year, the members shall elect:

(1) one (1) member to be the commission's chairperson; and
(2) one (1) member to be the commission's vice chairperson.

(b) A vacancy in the office of chairperson or vice chairperson shall be filled by a member of the commission selected by vote of the remaining members. The term of office of a person chosen under this subsection to fill a vacancy in the office of chairperson or vice chairperson expires at the first meeting of the commission the following year.
As added by P.L.247-2003, SEC.1.

IC 4-23-28-7
Support from department of workforce development; expenses

Sec. 7. (a) The civil rights commission shall provide staff and administrative support to the commission.

(b) The expenses of the commission shall be paid from appropriations made to the civil rights commission.
As added by P.L.247-2003, SEC.1. Amended by P.L.133-2012, SEC.27.

IC 4-23-28-8
Majority vote required

Sec. 8. The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.
As added by P.L.247-2003, SEC.1.

IC 4-23-28-9
Per diem; expenses

Sec. 9. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses

actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

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

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

As added by P.L.247-2003, SEC.1.

IC 4-23-28-10
Funding

Sec. 10. (a) Funding for the commission shall be derived from funds appropriated to the civil rights commission.

(b) If money is appropriated under subsection (a), the money does not revert to the state general fund at the end of a state fiscal year but remains available to the civil rights commission until the purpose for which it was appropriated is fulfilled.

As added by P.L.247-2003, SEC.1. Amended by P.L.133-2012, SEC.28.

IC 4-23-28-11
Special fund established

Sec. 11. (a) The commission on Hispanic/Latino affairs special fund is established to provide money for special projects of the commission.

(b) The fund shall be administered by the treasurer of state.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of gifts, contributions, and money donated to the commission.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Interest accrues to the fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) Money in the fund is appropriated continuously for the purpose stated in subsection (a).

As added by P.L.247-2003, SEC.1.

IC 4-23-29

Chapter 29. Governor's Council for People With Disabilities

IC 4-23-29-1

"Act"

Sec. 1. As used in this chapter, "act" refers to the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.) and subsequent amendments.

As added by P.L.21-2004, SEC.1. Amended by P.L.7-2015, SEC.1.

IC 4-23-29-2

"Board" defined

Sec. 2. As used in this chapter, "board" refers to the board of directors of the council.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-3

"Council" defined

Sec. 3. As used in this chapter, "council" refers to the governor's council for people with disabilities established by section 7 of this chapter.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-4

"Developmental disability" defined

Sec. 4. (a) As used in this chapter, for an individual who is at least five (5) years of age, "developmental disability" means a severe, chronic disability that:

(1) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) is manifested before the individual is twenty-two (22) years of age;

(3) is likely to continue indefinitely;

(4) results in substantial functional limitation in three (3) or more areas of major life activity; and

(5) reflects the individual's need for special, interdisciplinary services, supports, or assistance that is of lifelong or extended duration and is individually planned and coordinated.

(b) As used in this chapter, for an individual less than five (5) years of age, "developmental disability" means:

(1) substantial developmental delay; or

(2) specific congenital or acquired conditions;

with high probability of resulting in a developmental disability described in subsection (a) if services are not provided.

As added by P.L.21-2004, SEC.1. Amended by P.L.2-2005, SEC.9.

IC 4-23-29-5

"Disability" defined

Sec. 5. As used in this chapter, "disability" means a physical or mental impairment that substantially limits one (1) or more major life activities.
As added by P.L.21-2004, SEC.1.

IC 4-23-29-6
"Major life activity" defined
Sec. 6. As used in this chapter, "major life activity" includes the following:
(1) Self-care.
(2) Receptive and expressive language.
(3) Learning.
(4) Mobility.
(5) Self-direction.
(6) Capacity for independent living.
(7) Economic self-sufficiency.
As added by P.L.21-2004, SEC.1.

IC 4-23-29-7
Council established
Sec. 7. The governor's council for people with disabilities is established to:
(1) implement the act;
(2) implement the policies established by the board; and
(3) receive grants from:
(A) the federal government;
(B) philanthropic foundations; and
(C) private sources.
As added by P.L.21-2004, SEC.1.

IC 4-23-29-8
Board of directors; membership
Sec. 8. (a) The board of directors of the council is established.
(b) The following ex officio members are nonvoting members of the board:
(1) The state superintendent of public instruction or the superintendent's designee.
(2) The secretary of family and social services or the secretary's designee.
(3) The commissioner of the state department of health or the commissioner's designee.
(c) The following ex officio members are voting members of the board:
(1) The executive director of the Indiana protection and advocacy services commission.
(2) The executive director of the university center for excellence as designated under the act.
(d) The governor shall appoint the following fifteen (15) members

to the board for terms of three (3) years or until a successor is appointed:

(1) Three (3) individuals with developmental disabilities.

(2) Three (3) individuals who are:

(A) parents of children with developmental disabilities; or

(B) immediate relatives or guardians of adults with developmental disabilities.

(3) Two (2) individuals who may be:

(A) individuals with developmental disabilities; or

(B) parents, immediate relatives, or guardians of individuals with developmental disabilities.

(4) One (1) individual who is institutionalized or was previously institutionalized or the parent, immediate relative, or guardian of an individual who is institutionalized or was previously institutionalized.

(5) Two (2) individuals with disabilities representing local community or statewide organizations whose stated mission includes fostering the productivity, inclusion, and independence of people with developmental disabilities.

(6) Two (2) individuals who represent:

(A) the community; or

(B) a business that has demonstrated a commitment to implementing the federal Americans with Disabilities Act (42 U.S.C. 12101 et seq.).

(7) Two (2) individuals who represent providers of services to persons with disabilities, including the following:

(A) Special education programs.

(B) Independent living centers.

(C) Community based programs.

(D) Health care.

(E) Preschool, early intervention programs, or area agencies on aging.

(e) Of the individuals initially appointed by the governor, at least seven (7) must be chosen from names submitted by the council for consideration.

(f) Individuals appointed by the governor under subsection (d)(1) through (d)(5) serve at the pleasure of the governor and must have demonstrated an active involvement in the development of disability policy by:

(1) serving on boards or commissions; or

(2) advocating;

on behalf of persons with disabilities.

(g) A member may not serve more than two (2) consecutive three (3) year terms. The governor shall make appointments not later than October 1 of each year.

(h) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Members are also entitled to reimbursement for

traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) The governor shall appoint a chairperson of the board, who has at least one (1) year of experience as a board member, from among the members appointed by the governor.

(j) The board shall adopt policies and procedures to carry out the board's duties under:

(1) the act; and

(2) this chapter.

(k) The affirmative votes of a majority of the voting members appointed to the board are required for the board to take action on any measure.

As added by P.L.21-2004, SEC.1. Amended by P.L.7-2015, SEC.2.

IC 4-23-29-9

Authority to contract

Sec. 9. The council may enter into contracts in accordance with IC 5-22.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-10

Five year plan

Sec. 10. (a) The council shall develop and implement a five (5) year plan adopted by the board for persons with disabilities that meets the requirements of the act and this chapter.

(b) The council shall be funded with federal funds received.

(c) The council shall administer funds received from the following:

(1) Grants.

(2) Contracts.

(3) Interagency agreements.

(d) The council shall finance and implement programs, projects, and activities required under the five (5) year plan adopted by the board, including the following:

(1) Conducting hearings and forums that the council determines necessary to carry out the duties of the council.

(2) Conducting at least four (4) business meetings per calendar year.

(3) Hiring, supervising, and evaluating an executive director.

(4) Maintaining sufficient staff, supervised by the executive director, to carry out the duties of the council.

(5) Entering into contracts for services to carry out the council's functions.

As added by P.L.21-2004, SEC.1.

IC 4-23-29-11

Duties

Sec. 11. (a) The council shall advocate on behalf of persons with disabilities by providing information and advice to:

(1) state and local officials;
(2) the governor;
(3) the general assembly; and
(4) the United States Congress.

(b) The council shall promote private and public sector partnerships to advance:

(1) the act;
(2) the federal Americans with Disabilities Act;
(3) the federal Fair Housing Act; and
(4) other legislation that protects and benefits persons with disabilities and families of individuals with disabilities.

(c) The council shall provide leadership in the development, adoption, and implementation of public policy to create partnerships between the public and private sector to advance the goals of:

(1) independence;
(2) community inclusion;
(3) productivity; and
(4) integration;

of people with disabilities in all aspects of society.

(d) The council is designated as the single state agency to administer the act.

As added by P.L.21-2004, SEC.1.

IC 4-23-30

Chapter 30. Mortgage Lending and Fraud Prevention Task Force

IC 4-23-30-1

"Task force"

Sec. 1. As used in this chapter, "task force" refers to the mortgage lending and fraud prevention task force created under section 2 of this chapter.

As added by P.L.16-2009, SEC.10.

IC 4-23-30-2

Creation of task force

Sec. 2. The following agencies shall create the mortgage lending and fraud prevention task force by each appointing an equal number of representatives to serve on the task force:

(1) The securities division of the office of the secretary of state established under IC 23-19-6-1(a).

(2) The homeowner protection unit established by the attorney general under IC 4-6-12-2.

(3) The department of financial institutions established by IC 28-11-1-1.

(4) The department of insurance created by IC 27-1-1-1.

(5) The Indiana real estate commission created by IC 25-34.1-2-1.

(6) The real estate appraiser licensure and certification board created by IC 25-34.1-8-1.

As added by P.L.16-2009, SEC.10.

IC 4-23-30-3

Task force chair

Sec. 3. The members of the task force annually shall appoint a chair from among the members of the task force. Each year, the chair shall rotate among the agencies set forth in section 2 of this chapter.

As added by P.L.16-2009, SEC.10.

IC 4-23-30-4

Task force duties

Sec. 4. Subject to section 5 of this chapter, the task force shall meet each month to:

(1) coordinate the state's efforts to:

(A) regulate the various participants involved in originating, issuing, and closing home loans;

(B) enforce state laws and rules concerning mortgage lending practices and mortgage fraud; and

(C) prevent fraudulent practices in the home loan industry; and

(2) share information and resources necessary for the efficient

administration of the tasks set forth in subdivision (1), unless prohibited by law.

As added by P.L.16-2009, SEC.10.

IC 4-23-30-5

Task force meetings

Sec. 5. With respect to any meeting of the task force:

(1) one (1) or more members of the task force may participate in the meeting; or

(2) the meeting may be conducted in its entirety;

by means of a conference telephone or similar communications equipment by which all persons participating in the meeting can communicate with each other. Participation by the means described in this subsection constitutes presence in person at the meeting.

As added by P.L.16-2009, SEC.10.

IC 4-23-30-6

Task force reports

Sec. 6. (a) Not later than November 1 of each year, the task force shall report to the legislative council on the activities of each agency comprising the task force under section 2 of this chapter with respect to the most recent state fiscal year. The report required under this section must include:

(1) information on the regulatory activities of each agency described in section 2 of this chapter, including a description of any:

(A) disciplinary or enforcement actions taken;

(B) criminal prosecutions pursued;

(C) rules adopted;

(D) policies issued; or

(E) legislative recommendations made;

concerning the professions involved in originating, issuing, and closing home loans;

(2) a description of any challenges:

(A) encountered by the task force during the most recent state fiscal year; or

(B) anticipated by the task force in the current state fiscal year;

in carrying out the duties set forth in section 4 of this chapter;

(3) any additional information required by the legislative council; and

(4) any recommendations by the task force for legislation necessary to assist the task force in carrying out the duties set forth in section 4 of this chapter.

(b) A report to the legislative council under this section must be in an electronic format under IC 5-14-6.

As added by P.L.16-2009, SEC.10.

IC 4-23-30.2

Chapter 30.2. Board for the Coordination of Programs Serving Vulnerable Individuals

IC 4-23-30.2-1

"Board"

Sec. 1. As used in this chapter, "board" refers to the board for the coordination of programs serving vulnerable individuals created by section 8 of this chapter.

As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-2

"Director"

Sec. 2. As used in this chapter, "director" refers to the director of the board appointed under section 10 of this chapter.

As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-3

"Disproportionality"

Sec 3. As used in this chapter, "disproportionality" refers to a situation in which members of a particular race or ethnic group in the United States are represented at a percentage higher or lower than the percentage of the general public that the particular race or ethnic group comprises.

As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-4

"Strength based"

Sec. 4. As used in this chapter, "strength based" refers to a perspective that recognizes that:

(1) every individual, group, family, and community has strengths that should be considered by service providers when developing services for a client;

(2) a service provider can best serve a client by collaborating with the client to develop the client's strengths;

(3) service providers should work with a client to ensure that every environment in which the client receives services has adequate resources to meet the needs of the client; and

(4) a service plan for a client should not be based on diagnostic assessments of client deficits or needs but on a practice that uses the assessment process to discover strengths and engage clients in collaborative planning.

As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-5

"Vulnerable population"

Sec. 5. As used in this chapter, "vulnerable population" includes:

(1) individuals receiving services:

(A) under IC 12;
(B) from the department of child services established by IC 31-25-1-1;
(C) through the criminal justice system or the juvenile justice system;
(D) from the department of education as students who are at risk or exceptional learners; and
(E) from the department of workforce development;
(2) young persons of color; and
(3) other individuals recognized by the board as members of a vulnerable population.
As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-6
"Wraparound services"
Sec. 6. As used in this chapter, "wraparound services" refers to support networks that are characterized by the creation of constructive relationships to assist recipients of services, families of recipients of services, and others using a strength based philosophy to guide service planning.
As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-7
"Young person of color"
Sec. 7. For purposes of this chapter, "young person of color" refers to an individual who is less than eighteen (18) years of age and is identified as one (1) of the following:
(1) Black or African-American.
(2) Hispanic or Latino.
(3) Asian.
(4) American Indian.
(5) Alaska Native.
(6) Native Hawaiian or other Pacific Islander.
As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-8
Creation of board
Sec. 8. The board for the coordination of programs serving vulnerable individuals is created to foster coordination of services and programs for vulnerable individuals in Indiana.
As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-9
Membership
Sec. 9. (a) The board consists of the following members:
(1) The secretary of family and social services, or the secretary's designee.
(2) The state superintendent of public instruction, or the state

superintendent's designee.

(3) The director of the department of child services, or the director's designee.

(4) The commissioner of the department of correction, or the commissioner's designee.

(5) The director of the Indiana criminal justice institute, or the director's designee.

(6) The director of the budget agency, or the director's designee.

(7) An executive assistant to the governor designated by the governor, who shall serve as the board's chairperson.

(8) The commissioner of the department of workforce development, or the commissioner's designee.

(9) The director of the state personnel department, or the director's designee.

(10) The director of the civil rights commission, or the director's designee.

(11) The director of the division of mental health and addiction or the director's designee.

(12) The director of the office of Medicaid policy and planning or the director's designee.

(13) A representative of the Indiana judicial center.

(14) A representative of the public defender council of Indiana.

(15) A representative of the prosecuting attorneys council of Indiana.

(16) A representative of the office of guardian ad litem and court appointed special advocate services.

(b) The affirmative votes of a majority of the members appointed to the board are required for the board to take action on any measure, including reports.

(c) The board shall meet every two (2) months or more often, at the call of the chairperson.

(d) The board shall provide quarterly reports to the governor, the general assembly, and the Indiana criminal justice institute on the progress of the board and on issues affecting the provision of services to members of a vulnerable population. The report to the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-10

Director

Sec. 10. (a) The governor shall appoint a director, who shall serve at the pleasure of the governor. The director is entitled to a salary to be determined by the budget agency with the approval of the governor.

(b) The director, with the approval of the governor and the budget agency, and on the advice of the members of the board, may appoint staff necessary to fulfill the duties of the board.

As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-11
Board duties

Sec. 11. The board has the following duties:

(1) Oversee the implementation of the recommendations made by the commission on disproportionality in youth services, including the ongoing review and evaluation of recommended programs, practices, and procedures described in the report as mandated by P.L.234-2007.

(2) Suggest policy, program, and legislative changes related to services provided to members of a vulnerable population to accomplish the following:

(A) Enhance the quality of and access to services with positive outcomes for vulnerable populations.

(B) Reduce disproportionality of young persons of color in youth services by changing or eliminating policies that contribute to poor outcomes for young persons of color.

(3) Oversee and coordinate the review, evaluation, and development of consistent statewide standards for the use of risk and needs assessment tools that are culturally sensitive and promote objectivity in decision making at service delivery points in systems serving members of a vulnerable population.

(4) Work collaboratively within and across state and local agencies to create a central data warehouse to serve as a statewide system for standardized, disaggregated, race specific data collection that has rapid accessibility and accountability measures for comparative use across service systems and geographic areas. The data system should include the following:

(A) Establishing measures to ensure the collection of consistent information to allow comparative racial and age data that are program based and outcome oriented.

(B) Recommending consistent, standardized reporting measurements.

(C) Working with agency participants to develop implementation plans that achieve consistency in:

(i) data collection;

(ii) program development and evaluation;

(iii) staff training; and

(iv) annual reporting.

(5) Work collaboratively within and across state and local agencies and programs to achieve consistent statewide standards for mandatory, ongoing cultural competency training and professional practice standards for government employees, school personnel, service providers, and professionals in systems serving members of a vulnerable population.

(6) Work collaboratively within and across state and local agencies and programs to develop and monitor a strategic plan to recruit and retain diverse professionals and staff level employees throughout all service delivery systems. The

strategic plan developed must include provisions to ensure that bilingual training is available.

(7) Work collaboratively within and across state and local agencies to identify existing and to recommend new early intervention and preventive programming services for members of a vulnerable population. Intervention and preventive programming should be sensitive to race and should include culturally sensitive, evidence based programming or measures involving the following:

(A) Strength based approaches to engage and promote positive outcomes.

(B) Community based, wraparound services.

(C) Educational advocacy and support services.

(D) School based referrals to mental health care.

(E) Programming that supports collaborative relationships among community, faith based, private, and public organizations.

(F) Home based prevention services in the child welfare system.

(G) Transitional services for foster youth.

(H) Child and family teams for youth in system care.

(I) Other early intervention and preventive programming services.

(8) Work with local officials and the Indiana criminal justice institute to develop local juvenile justice councils and support the development of strategies to reduce disproportionality and disparity at the county level.

(9) Suggest policy development and fiscal planning efforts to achieve blended or braided funding for services delivered to members of a vulnerable population.

(10) Monitor and support ongoing implementation of agency efforts to reduce disproportionality and enhance quality of services to members of a vulnerable population.

(11) Report plans and progress to the governor, the legislative council, and the public at least semiannually. A report to the legislative council under this subdivision must be in an electronic format under IC 5-14-6.

(12) Coordinate program review and fiscal planning by participant agencies.

(13) Direct service delivery providers to collect and report disaggregated data based on race and ethnicity by geographic and program areas.

As added by P.L.173-2009, SEC.1.

IC 4-23-30.2-12

Actions board may take

Sec. 12. To carry out this chapter, the board may do the following:

(1) Request any governmental entity that has an interest in or is

involved in the delivery of human services to attend and participate in any meetings of the board that the board determines to be beneficial and necessary to achieve the goal of effective coordination and delivery of human services to members of a vulnerable population.

(2) Seek the cooperation of all agencies, departments, and institutions of state government to eliminate any duplication or overlap that may exist in the administration of programs delivery service to members of a vulnerable population.

(3) Upon the request of one (1) of the members of the board, review the status of eligible recipients of services to determine whether an individual recipient is under the jurisdiction of the proper agency of state government. Following a review under this subdivision, the board may suggest the transfer of an individual recipient to the jurisdiction of another state agency if permitted by law.

(4) Create task forces to study issues and provide information to the board as needed. Members appointed to task forces created under this subdivision serve without compensation.

As added by P.L.173-2009, SEC.1.

IC 4-23-31

Chapter 31. Commission on the Social Status of Black Males

IC 4-23-31-1

Reason for commission

Sec. 1. The 1992 interim study committee created by the legislative council, on the problems of black males, found that the following conditions exist:

(1) Statistical studies chronicling the status of black males in American society reveal startling and disturbing conditions and trends.

(2) By all indicia measuring achievement, success, and quality of life in American society, black males are facing a prodigious struggle for survival while fighting formidable opponents.

(3) Black males make up only five and one-half percent (5.5%) of the population of the United States but are the victims of forty-four percent (44%) of the nation's homicides annually and comprise forty-six percent (46%) of the nation's prison population.

(4) Statistics show that one (1) of every twenty-two (22) black males will die as a result of homicide and that one (1) of every six (6) black males will be arrested before becoming nineteen (19) years of age.

(5) A major proportion of black males in America is virtually trapped in urban areas defined by poverty, violence, and drug abuse.

(6) Black males suffer from more debilitating health problems, a higher death rate, and a lower life expectancy than males in other ethnic and racial groups.

(7) Black females at least sixteen (16) years of age outnumber black males by more than two million (2,000,000).

(8) Between 1973 and 1988 the average real annual income for black males between twenty (20) and twenty-four (24) years of age fell by more than fifty percent (50%).

(9) The increasing misfortunes and the social distress bombarding black males in American society threaten the survival of black males.

As added by P.L.133-2012, SEC.29.

IC 4-23-31-2

Establishment

Sec. 2. The commission on the social status of black males is established.

As added by P.L.133-2012, SEC.29.

IC 4-23-31-3

Membership

Sec. 3. The commission consists of nineteen (19) members

appointed as follows:

(1) Two (2) members of the senate, who are not members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.

(2) Two (2) members of the house of representatives, who are not members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

(3) The director of the division of family resources or the director's designee.

(4) The director of the division of mental health and addiction or the director's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The superintendent of public instruction or the superintendent's designee.

(7) The commissioner of the department of correction or the commissioner's designee.

(8) The director of the civil rights commission or the director's designee.

(9) The commissioner of the Indiana department of administration or the commissioner's designee.

(10) The lieutenant governor or the lieutenant governor's designee.

(11) A minority business person, appointed by the governor.

(12) Three (3) persons appointed by the president pro tempore of the senate who are not members of the general assembly. Not more than two (2) persons appointed under this subdivision may be members of the same political party.

(13) Three (3) persons appointed by the speaker of the house of representatives who are not members of the general assembly. Not more than two (2) persons appointed under this subdivision may be members of the same political party.

As added by P.L.133-2012, SEC.29.

IC 4-23-31-4

Removal of members

Sec. 4. (a) A member of the commission may be removed at any time by the member's appointing authority.

(b) The appointing authority shall fill a vacancy on the commission by appointing a new member for the unexpired term.

(c) The terms of the legislative members expire at the election of the general assembly following the appointments.

As added by P.L.133-2012, SEC.29.

IC 4-23-31-5

Chairperson and vice chairperson

Sec. 5. (a) At the first meeting of the commission each year, the

members shall elect:

(1) one (1) member to be the commission's chairperson; and

(2) one (1) member to be the commission's vice chairperson.

(b) A vacancy in the office of chairperson or vice chairperson shall be filled by vote of the remaining members. The term of office of a person chosen to fill a vacancy expires at the first meeting of the commission the following year.

As added by P.L.133-2012, SEC.29.

IC 4-23-31-6

Study

Sec. 6. (a) The commission shall make a systematic study of the following:

(1) The conditions described in section 1 of this chapter.

(2) The reasons for the existence of those conditions.

(b) The commission shall propose measures to alleviate and correct the underlying causes of the conditions described in section 1 of this chapter.

(c) The commission may study other topics suggested by the legislative council or as directed by the chairperson of the commission.

(d) The commission shall receive suggestions or comments pertinent to the issues that the commission studies from members of the general assembly, governmental agencies, public and private organizations, and private citizens.

As added by P.L.133-2012, SEC.29.

IC 4-23-31-7

Civil rights commission staff

Sec. 7. The civil rights commission shall provide staff and administrative support to the commission.

As added by P.L.133-2012, SEC.29.

IC 4-23-31-8

Meetings

Sec. 8. The commission shall meet on call of the chairperson and at other times that the commission determines.

As added by P.L.133-2012, SEC.29.

IC 4-23-31-9

Quorum

Sec. 9. Eight (8) of the members of the commission is a quorum. The affirmative votes of at least eight (8) voting members of the commission are required for the commission to take final action.

As added by P.L.133-2012, SEC.29.

IC 4-23-31-10

Annual report

Sec. 10. The commission shall issue an annual report stating the findings, conclusions, and recommendations of the commission. The commission shall submit the report to the governor and the legislative council. A report submitted under this section to the legislative council must be in an electronic format under IC 5-14-6.
As added by P.L.133-2012, SEC.29.

IC 4-23-31-11
Per diem

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

(b) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees created by the legislative council.
As added by P.L.133-2012, SEC.29.

IC 4-23-31-12
Special fund

Sec. 12. (a) The commission on the social status of black males special fund is established to provide money for special projects of the commission.

(b) The fund shall be administered by the treasurer of state.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of gifts, contributions, and money donated to the commission.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Interest accrues to the fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) Money in the fund is appropriated continuously for the purpose stated in subsection (a).
As added by P.L.133-2012, SEC.29.

IC 4-23-32

Chapter 32. Native American Indian Affairs Commission

IC 4-23-32-1

"Commission"

Sec. 1. As used in this chapter, "commission" refers to the Native American Indian affairs commission established by section 3 of this chapter.

As added by P.L.133-2012, SEC.30.

IC 4-23-32-2

"Native American Indian"

Sec. 2. As used in this chapter, "Native American Indian" means an individual who is at least one (1) of the following:

(1) An Alaska native as defined in 43 U.S.C. 1602(b).

(2) An Indian as defined in 25 U.S.C. 450b(d).

(3) A native Hawaiian as defined in 20 U.S.C. 7517(1).

As added by P.L.133-2012, SEC.30. Amended by P.L.7-2015, SEC.3.

IC 4-23-32-3

Establishment

Sec. 3. The Native American Indian affairs commission is established.

As added by P.L.133-2012, SEC.30.

IC 4-23-32-4

Voting and nonvoting members

Sec. 4. (a) The commission consists of fifteen (15) voting members and two (2) nonvoting members. The voting members of the commission consist of the following:

(1) Six (6) Native American Indians, each from a different geographic region of Indiana.

(2) Two (2) Native American Indians who have knowledge in Native American traditions and spiritual issues.

(3) The commissioner of the department of correction or the commissioner's designee.

(4) The commissioner of the commission for higher education or the commissioner's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The secretary of family and social services or the secretary's designee.

(7) The director of the department of natural resources or the director's designee.

(8) The state superintendent of public instruction or the superintendent's designee.

(9) The commissioner of the department of workforce development or the commissioner's designee.

(b) The nonvoting members of the commission consist of the following:

(1) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(2) One (1) member of the senate appointed by the president pro tempore of the senate.

(c) The governor shall appoint each Native American Indian member of the commission to a term of four (4) years, and any vacancy occurring shall be filled by the governor for the unexpired term. Before appointing a Native American Indian member to the commission, the governor shall solicit nominees from Indiana associations that represent Native American Indians in the geographic region from which the member will be selected. Not more than one (1) member may represent the same tribe or Native American Indian organization or association.

(d) A member of the commission may be removed by the member's appointing authority.

As added by P.L.133-2012, SEC.30.

IC 4-23-32-5

Quorum

Sec. 5. The affirmative votes of at least eight (8) members of the commission are required for the commission to take any official action, including public policy recommendations and reports.

As added by P.L.133-2012, SEC.30.

IC 4-23-32-6

Civil rights commission staff

Sec. 6. (a) The civil rights commission established by IC 22-9-1-4 shall provide staff and administrative support for the commission.

(b) Expenses incurred under this chapter shall be paid from funds appropriated to the civil rights commission.

(c) The governor shall appoint a voting member of the commission to serve as the commission's chairperson.

As added by P.L.133-2012, SEC.30.

IC 4-23-32-7

Study issues

Sec. 7. The commission shall study problems common to Native American Indian residents of Indiana in the areas of employment, education, civil rights, health, and housing. The commission may make recommendations to appropriate federal, state, and local governmental agencies concerning the following:

(1) Health issues affecting Native American Indian communities, including data collection, equal access to public assistance programs, and informing health officials of cultural traditions relevant to health care.

(2) Cooperation and understanding between the Native

American Indian communities and other communities throughout Indiana.

(3) Cultural barriers to the educational system, including barriers to higher education and opportunities for financial aid and minority scholarships.

(4) Inaccurate information and stereotypes concerning Native American Indians, including the accuracy of educational curriculum.

(5) Measures to stimulate job skill training and related workforce development, including initiatives to assist employers to overcome communication and cultural differences.

(6) Programs to encourage the growth and support of Native American Indian owned businesses.

(7) Public awareness of issues affecting the Native American Indian communities.

(8) Issues concerning preservation and excavation of Native American Indian historical and archeology sites, including reburial of Native American Indians.

(9) Measures that could facilitate easier access to state and local government services by Native American Indians.

As added by P.L.133-2012, SEC.30.

IC 4-23-32-8

Prohibitions on study topics

Sec. 8. The commission may not study or make recommendations on the following issues:

(1) Negotiations between a tribe and the state or federal government concerning tribal sovereignty.

(2) Gaming on tribal land.

As added by P.L.133-2012, SEC.30.

IC 4-23-33

Chapter 33. Indiana 2016 Bicentennial Commission

IC 4-23-33-1

"Bicentennial"

Sec. 1. As used in this chapter, "bicentennial" refers to the bicentennial of Indiana's statehood.

As added by P.L.198-2013, SEC.1.

IC 4-23-33-2

"Commission"

Sec. 2. As used in this chapter, "commission" refers to the Indiana 2016 bicentennial commission established by section 3 of this chapter.

As added by P.L.198-2013, SEC.1.

IC 4-23-33-3

Establishment of commission

Sec. 3. The Indiana 2016 bicentennial commission is established.

As added by P.L.198-2013, SEC.1.

IC 4-23-33-4

Membership; terms; meetings; quorum

Sec. 4. (a) The commission consists of members appointed by the governor. Each member serves at the pleasure of the governor.

(b) The governor shall appoint the chairperson of the commission.

(c) Each member of the commission serves a term that expires June 30, 2017. If a vacancy occurs, the governor shall appoint a successor to complete the unexpired term.

(d) The commission shall meet upon the call of the chairperson.

(e) A majority of the members appointed to the commission constitutes a quorum for a meeting of the commission.

(f) Each member of the commission who is a member of the general assembly is a nonvoting member.

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

(h) The members of the commission serve without compensation.

As added by P.L.198-2013, SEC.1.

IC 4-23-33-5

Purpose; duties

Sec. 5. The commission has the following purposes and duties:

(1) Plan and develop activities appropriate to commemorate Indiana's statehood.

(2) Encourage private organizations and local governments to organize and participate in activities that highlight the bicentennial.

(3) Help coordinate and promote bicentennial activities throughout Indiana.

(4) Consult with the budget agency on the expenditure of money from the state bicentennial capital account established by IC 4-12-1-14.9.

As added by P.L.198-2013, SEC.1. Amended by P.L.213-2015, SEC.51.

IC 4-23-33-6

Expiration of chapter

Sec. 6. This chapter expires June 30, 2017.

As added by P.L.198-2013, SEC.1.

IC 4-24

ARTICLE 24. INSTITUTIONS–GENERAL PROVISIONS

IC 4-24-1

Chapter 1. Compensation of Employees for Damages to Personal Property

IC 4-24-1-1

Damage to personal property

Sec. 1. The superintendent of any state penal or correctional institution or of any state institution (as defined by IC 12-7-2-184) may compensate any employee of the institution for damages to the personal property of the employee which damages occurred in the ordinary course of the employees' employment and which damages were in no way caused by the negligence of the employee.

(Formerly: Acts 1969, c.109, s.1.) As amended by P.L.24-1997, SEC.2.

IC 4-24-1-2

Personal property defined

Sec. 2. For the purposes of this chapter, the term "personal property" means property of a type which is worn upon the person of the employee.

(Formerly: Acts 1969, c.109, s.2.) As amended by P.L.5-1984, SEC.184.

IC 4-24-2

Chapter 2. Gifts; Acceptance and Return of Annuity to Donor Authorized

IC 4-24-2-1

Gifts; bequests and devises

Sec. 1. Any state charitable or benevolent institution or the state of Indiana may:

(1) receive gifts, bequests, and devises of real or personal property, or both, for:

(A) the aid or maintenance of any institution; or

(B) state parks or other state purposes; and

(2) agree to return to the donor or to any living person named by the donor and living at the time of the gift, an annuity under the provisions and safeguards provided in this chapter.

(Formerly: Acts 1917, c.20, s.1.) As amended by P.L.2-2007, SEC.58.

IC 4-24-2-2

Annuities

Sec. 2. When the gift is for the purpose of providing an annuity, the same may be accepted by any such institution or by the state itself upon condition that the institution or the state, as the case may be, shall pay to the donor, for the life of the donor, or for a term of years not beyond the lifetime of the donor, as may be agreed, or shall pay to any person or persons named by the donor, in being at the time of the gift, for the life of such person or persons or for a term of years not beyond the lifetime of such person or persons, as may be agreed, an annuity on the value of the property at the time the gift is made, as hereinafter provided, but such annuity shall in no case exceed the actual income from the property donated.

(Formerly: Acts 1917, c.20, s.2; Acts 1923, c.127, s.1.)

IC 4-24-2-3

Appraisal of property

Sec. 3. The value of the property comprised in the gift shall be determined by three (3) disinterested appraisers appointed by the governor of the state, and no gift shall be accepted by any institution named in section one or by the state itself unless it be approved by the governor.

(Formerly: Acts 1917, c.20, s.3.)

IC 4-24-2-4

Pledges of annuity property

Sec. 4. For the purpose of securing the payment of annuities, the property comprised in the gift may be pledged, by way of mortgage or otherwise, to the annuitant or annuitants for the full period of the life of the annuity or annuities, but the property pledged shall be the sole guarantee and the state shall not be obligated in any manner by

such mortgage or other obligation.
(Formerly: Acts 1917, c.20, s.4.)

IC 4-24-2-5
Taxation of annuities

Sec. 5. All annuities provided for herein shall be free of all taxation for any or all purposes within the state of Indiana.
(Formerly: Acts 1917, c.20, s.5.)

IC 4-24-2-6
Unacceptable gifts

Sec. 6. An institution may not be the recipient of a gift, whether on the payment of an annuity or otherwise, that pledges the institution to perform any acts other than acts that the institution is authorized by law to perform.
(Formerly: Acts 1917, c.20, s.6.) As amended by P.L.2-2007, SEC.59.

IC 4-24-2-7
Money gifts

Sec. 7. All gifts of money, and all money realized from real and personal property, made under this chapter, to permanently endow any institution described in section 1 of this chapter shall be taken in charge by the state, as a trust, and managed in all respects the same as the common school fund of the state is managed. The proceeds arising from a permanent endowment made under this chapter shall be paid to the institution being endowed for the purposes provided by the terms of the gift.
(Formerly: Acts 1917, c.20, s.7.) As amended by P.L.5-1984, SEC.185; P.L.2-2007, SEC.60.

IC 4-24-2-8
Repealed

(Repealed by P.L.1-1989, SEC.75.)

IC 4-24-3

Chapter 3. Receipt and Use of Gifts and Bequests

IC 4-24-3-1

Authorization to accept gifts

Sec. 1. Any state charitable or benevolent institution for the use of such institutions may receive gifts, bequests, and devises of real or personal property, or both, for the aid or maintenance of any such institution, under the provisions and safeguards hereinafter provided.
(Formerly: Acts 1945, c.177, s.1.)

IC 4-24-3-2

Officers eligible to accept gifts

Sec. 2. Acceptance of any such gifts, bequests and devises of real or personal property, or both, may be made by the executive officers of the institution benefited; but the failure of such officers to make such acceptance at any time shall not invalidate or affect the gift, bequest, and devise, it being deemed that an acceptance has been made in the absence of a definite rejection. No special form of acceptance is necessary, and no gift of value in excess of five hundred dollars ($500) shall be accepted by any institution named in section 1 or by the state for the use of such institution unless it be approved by the governor.
(Formerly: Acts 1945, c.177, s.2.)

IC 4-24-3-3

Gifts creating indebtedness against state

Sec. 3. No acceptance shall be so made as to create an indebtedness against the state of Indiana or any of its agencies; nor shall any acceptance which has been deemed to have taken place, as provided in section 2 of this chapter, operate to create such an indebtedness.
(Formerly: Acts 1945, c.177, s.3.) As amended by P.L.5-1984, SEC.187.

IC 4-24-3-4

Sale of property

Sec. 4. (a) Any funds or other property received as provided in this chapter shall be subject to all other statutes applying to similar funds or property, including the right to sell as provided in this chapter, unless such right is prohibited under the terms of such gift, bequest, or devise.

(b) Property acquired under this chapter may be sold as follows:

(1) If the property is personal property, under IC 5-22-22.

(2) If the property is real property, under IC 4-20.5-7.

(Formerly: Acts 1945, c.177, s.4.) As amended by P.L.5-1984, SEC.188; P.L.7-1993, SEC.8; P.L.49-1997, SEC.23.

IC 4-24-3-5
Repealed

(Repealed by P.L.1-1989, SEC.75.)

IC 4-24-3-6
Application of act

Sec. 6. This chapter shall be deemed supplementary to any other statutes of the state of Indiana for the acceptance of gifts, trusts, devises, and bequests and does not apply to state educational institutions.

(Formerly: Acts 1945, c.177, s.6.) As amended by P.L.5-1984, SEC.190; P.L.2-2007, SEC.61.

IC 4-24-4

Chapter 4. Payment for Autopsies on Inmates

IC 4-24-4-1

Costs

Sec. 1. In the event an autopsy shall be performed on any deceased inmate of any of the several public institutions of the state of Indiana, the cost thereof shall be paid by such state institution from its appropriate funds, to the county in which such institution is located.

(Formerly: Acts 1947, c.225, s.1.)

IC 4-24-4-2

Requisition for costs

Sec. 2. Such institution shall requisition and be reimbursed for such payment by the county from which such inmate was committed, by the filing of a claim in such county with the auditor thereof and said claim shall be allowed by the board of county commissioners thereof in the same manner as other claims are allowed and paid.

(Formerly: Acts 1947, c.225, s.2.)

IC 4-24-4-3

Appropriation for costs

Sec. 3. The county councils of the several counties of the state of Indiana, shall appropriate the necessary funds for said purpose.

(Formerly: Acts 1947, c.225, s.3.)

IC 4-24-5
Repealed
(Repealed by Acts 1978, P.L.2, SEC.428.)

IC 4-24-6

Chapter 6. Funds Belonging to Inmates and Patients–Recreation Fund Created

IC 4-24-6-1

"Institution" defined

Sec. 1. As used in this chapter, the term "institution" shall mean psychiatric, penal, correctional, benevolent, or special educational institutions owned and operated by the state of Indiana.

(Formerly: Acts 1957, c.242, s.1; Acts 1963(ss), c.7, s.1.) As amended by P.L.5-1984, SEC.191.

IC 4-24-6-2

Funds held in trust for inmates

Sec. 2. (a) Subject to a designation of the specific purpose for the use of donated funds by a donor, the superintendent or warden of an institution shall hold in trust funds deposited with the institution for the use and benefit of, or belonging to, any inmate or patient.

(b) The superintendent or warden shall keep an accurate accounting of the receipts and disbursements of funds received under subsection (a) on books and records in accordance with the accounting procedure as prescribed by the state board of accounts.

(c) Trust funds created under this section are subject to periodic audits the state board of accounts considers necessary.

(d) Trust funds created under this section shall be:

(1) deposited in depositories whose deposits are insured by the Federal Deposit Insurance Corporation; or

(2) invested in government securities of the United States.

(Formerly: Acts 1957, c.242, s.2; Acts 1959, c.253, s.1.) As amended by P.L.8-1991, SEC.2.

IC 4-24-6-3

Withdrawal of money; rules and regulations

Sec. 3. The chief administrative officer of the department, division, or state agency having administrative control and supervision of any institution shall make rules and regulations concerning the withdrawal of money held in trust for any patient or inmate, and concerning the deposit of any money to be held in trust for any patient or inmate. Upon the discharge or release of any patient or inmate, the superintendent or warden of the institution shall pay to the individual, or the individual's legal guardian, all money due the individual from any trust account.

(Formerly: Acts 1957, c.242, s.3.) As amended by P.L.215-2016, SEC.99.

IC 4-24-6-4

Recreation fund

Sec. 4. (a) This section does not apply to a patient in an institution

listed in IC 12-24-1-3 if the patient is in a unit that is a Medicaid certified intermediate care facility for individuals with intellectual disabilities.

(b) Any interest or income derived from the deposit or investment of funds held in trust for any patient or inmate shall be transferred from such trust fund to a special fund to be known as the "patients' recreation fund" or "inmates' recreation fund"; provided, that in the event a trust fund has been established in any institution, which trust fund is in existence on July 1, 1957, and there is a deficiency in the amount of money that properly belongs in such trust fund, the income derived from any trust fund established under the provisions of this chapter shall be paid into the trust fund until the deficiency has been fully paid.

(Formerly: Acts 1957, c.242, s.4.) As amended by P.L.5-1984, SEC.192; P.L.21-1996, SEC.1; P.L.188-2013, SEC.1; P.L.35-2016, SEC.2.

IC 4-24-6-5

Distribution of trust funds upon inmate's death

Sec. 5. (a) If any inmate of any penal or correctional institution, or any patient of any psychiatric institution, shall die, the inmate's or patient's lawful heirs or devisees shall be entitled to any money credited to and held in trust for the inmate or patient. If the heirs or devisees of the inmate or patient are unknown, the money in the trust account shall be kept intact to the account of the unknown heirs of the inmate or patient for a period of two (2) years from the date of death. If, at the expiration of the two (2) year period, no heir or devisee of any deceased inmate or patient shall appear to make claim to the money, the money shall be paid to the clerk of the circuit court of the county from which the inmate or patient was committed to the institution, the money to be held and disposed of by the clerk of court in the same manner as are other unclaimed funds in the clerk of court's office.

(b) If any inmate of a penal or correctional institution, or if any patient of a psychiatric hospital, shall escape from the institution, or shall make an escape while absent from the institution on parole or leave, any money credited to and held in trust for the inmate or patient shall be kept intact for the escaped inmate or patient for a period of two (2) years from the date of escape. If at the end of the two (2) year period the escaped inmate or patient does not appear to make claim to the money, the money shall be paid to the clerk of the circuit court of the county from which the inmate or patient was committed to the institution, the money to be held and disposed of by the clerk of court in the same manner as are other unclaimed funds in the clerk of court's office.

(c) No money belonging to any patient or inmate shall be paid over to the clerk of any court as provided in this section if the inmate or patient is indebted to the state of Indiana for maintenance by the

institution, in which case any money credited on the books of the institution to the account of any inmate or patient shall be applied against any indebtedness or maintenance, and the balance, if any, shall then be paid to the clerk.

(d) Notwithstanding any other law, when the department of correction has determined that an offender has escaped from custody, the department of correction:

(1) may consider all of the escaped inmate's property (except money) that is under the control of the department, to be abandoned property;

(2) may dispose of the escaped inmate's abandoned property consistent with rules adopted by the department under IC 4-22-2; and

(3) is not civilly liable for the safekeeping of the escaped inmate's property.

(Formerly: Acts 1957, c.242, s.5.) As amended by P.L.39-1983, SEC.1; P.L.215-2016, SEC.100.

IC 4-24-6-6

Recreation funds; establishment

Sec. 6. (a) There is established in each psychiatric, benevolent, penal, and correctional institution a fund to be known as the:

(1) patients' recreation fund;

(2) students' recreation fund; or

(3) inmates' recreation fund.

(b) These funds shall be used, at the discretion of the superintendent or warden subject to the approval of the chief administrative officer of the department, division, or state agency having administrative control and supervision over the institution, for the direct benefit of persons who are inmates or patients in such institutions, and shall not be used for any purposes which are covered by state appropriations.

(c) The funds shall be expended for purposes in accordance with the policies of the department, division, or state agency having administrative control over such institution. The expenditures may include, but are not limited to:

(1) purchased entertainment;

(2) magazine subscriptions for the libraries, wards, or units of such institutions;

(3) special recreational equipment and supplies;

(4) special foods for parties or celebrations;

(5) educational materials;

(6) phonograph records, televisions, radios, and similar items when the items cannot be purchased from regular appropriations; and

(7) any other purposes not covered by regular appropriations;

that will provide a direct benefit to or assist in the rehabilitation of the inmates or patients of such institutions.

(Formerly: Acts 1957, c.242, s.6; Acts 1965, c.87, s.1.) As amended by P.L.7-2004, SEC.1.

IC 4-24-6-7
Sources of recreation fund

Sec. 7. Money may accrue to the patients' recreation fund or inmates' recreation fund from the following sources:

(1) Gifts to the fund.

(2) Profits from the operation of a commissary or canteen.

(3) Interest earned by deposit of trust funds in public depositories, or income derived from trust funds invested in United States government securities as provided in section 2 of this chapter.

(4) Sale of items produced in occupational therapy.

(5) Income derived from any kind of benefit entertainment for the inmates or patients.

(6) Any other money derived from any source that is not legally prohibited.

(7) Any money derived from the income of any trust fund which has been deposited in any special fund of the institution.

(Formerly: Acts 1957, c.242, s.7.) As amended by P.L.5-1984, SEC.193.

IC 4-24-6-8
Funds held on July 1, 1957

Sec. 8. All money held in trust for any inmate or patient of any institution on July 1, 1957, shall be transferred into a trust fund established under the provisions of this chapter. Any money in any recreational or activities fund in any institution, on July 1, 1957, shall be transferred to the "recreation fund" established under the provisions of this chapter.

(Formerly: Acts 1957, c.242, s.8.) As amended by P.L.5-1984, SEC.194.

IC 4-24-6-9
Accountability for funds held in trust

Sec. 9. (a) Except as provided in subsection (c), the superintendent or warden of any institution may not be held personally liable for the loss of:

(1) money held in trust for any inmate or patient of the institution; or

(2) money deposited in the recreation fund of the institution.

(b) Except as provided in subsection (c), in the event the superintendent or warden delegates to any officer or employee of the superintendent's or warden's institution the authority to administer the provisions of sections 6 and 7 of this chapter, the officer or employee may not be held personally liable for the loss of:

(1) money held in trust for any inmate or patient of the

institution; or

(2) money deposited in the recreation fund of the institution.

(c) A superintendent or warden or a delegate of a superintendent or warden may be held personally liable under subsection (a) or (b) if the loss of money arises from the superintendent's, the warden's, or the delegate's official misconduct. All other losses under this section must be covered by the general blanket performance bond or crime insurance policy under subsection (d).

(d) No other bond except the general performance blanket bond given by the superintendent or warden of any institution, or by an officer or employee of the institution, shall be required. A general blanket performance bond or crime insurance policy endorsed to include faithful performance that is obtained under IC 5-4-1-15.1 shall cover any misfeasance or nonfeasance in the administration of sections 6 and 7 of this chapter on the part of any superintendent, warden, officer, or employee of the institution.

(e) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

(Formerly: Acts 1957, c.242, s.9; Acts 1965, c.87, s.2.) As amended by P.L.5-1984, SEC.195; P.L.49-1995, SEC.1; P.L.22-1996, SEC.1; P.L.215-2016, SEC.101.

IC 4-24-6-10
Repealed

(Repealed by P.L.5-1984, SEC.196.)

IC 4-24-6-11
Transfer of funds

Sec. 11. The chief administrative officer of the department, division, or state agency that has administrative control and supervision of an institution with a fund established under section 6 of this chapter may transfer money from the institution's fund to one (1) or more other funds established under section 6 of this chapter. The institution receiving the transferred money shall use the transferred money in conformity with section 6 of this chapter.

As added by P.L.30-1988, SEC.1.

IC 4-24-7

Chapter 7. Collection of Money Owed State by Counties for Inmate Clothing Costs

IC 4-24-7-1

Clothing claims against county

Sec. 1. For all claims that any state institution (as defined by IC 12-7-2-184) may have against any county for the payment of clothing furnished to any patient of such institution, which patient was admitted to such institution from such county, the superintendent of such institution shall make out an account therefor against such county, in a manner as hereinafter provided.

(Formerly: Acts 1953, c.165, s.1.) As amended by P.L.24-1997, SEC.3.

IC 4-24-7-2

Repealed

(Formerly: Acts 1953, c.165, s.2. As amended by P.L.12-1996, SEC.5; P.L.246-2005, SEC.43. Repealed by P.L.146-2008, SEC.808.)

IC 4-24-7-3

Putnamville correctional facility claims against county

Sec. 3. For all claims that the Putnamville Correctional Facility may have against any county for any money advanced by such institution for transportation allowance to a discharged inmate of such institution which inmate was admitted to such institution from such county, the superintendent of such institution shall make out an account therefor against such county, in a manner as hereinafter provided.

(Formerly: Acts 1953, c.165, s.3.) As amended by P.L.12-1996, SEC.6.

IC 4-24-7-4

Collection procedure

Sec. 4. Accounts of state institutions described in this chapter shall be paid as follows:

(1) All such accounts shall be signed by the superintendent of such institution, attested to by the seal of the institution, and forwarded to the auditor of the county for payment from which county the inmate or patient was admitted.

(2) All accounts accruing between January 1 and June 30 of each year shall be forwarded to the county auditor on or before October 1 of such year.

(3) All accounts accruing between July 1 and December 31 of each year shall be forwarded to the county auditor on or before April 1 of the following year.

(4) Upon receipt of any such account, the county auditor shall draw a warrant on the treasurer of the county for the payment

of the account, and the same shall be paid out of the funds of the county appropriated therefor.

(5) The county council of each county of the state shall annually appropriate sufficient funds to pay such accounts.

(Formerly: Acts 1953, c.165, s.4.) As amended by P.L.5-1984, SEC.197; P.L.246-2005, SEC.44; P.L.146-2008, SEC.15.

IC 4-24-8
Repealed

(Repealed by Acts 1981, P.L.32, SEC.17.)

IC 4-24-9

Chapter 9. Name Changes for Certain Institutions

IC 4-24-9-1

Repealed

(Formerly: Acts 1907, c.98, s.2; Acts 1961, c.7, s.1. As amended by P.L.12-1996, SEC.7. Repealed by P.L.69-1999, SEC.12.)

IC 4-24-9-2

Repealed

(Repealed by Acts 1981, P.L.32, SEC.17.)

IC 4-24-9-3

Repealed

(Repealed by Acts 1981, P.L.32, SEC.17.)

IC 4-24-9-4

Repealed

(Repealed by Acts 1981, P.L.32, SEC.17.)

IC 4-25

ARTICLE 25. REPEALED

(Repealed by Acts 1982, P.L.3, SEC.1.)

IC 4-26

ARTICLE 26. REPEALED

(Repealed by P.L.11-1993, SEC.9.)

IC 4-27

ARTICLE 27. REPEALED

(Repealed by P.L.41-1987, SEC.22.)

IC 4-28

ARTICLE 28. REPEALED

(Repealed by P.L.2-1992, SEC.897.)

IC 4-29

ARTICLE 29. TRIBAL GAMING

IC 4-29-1

Chapter 1. Applicability

IC 4-29-1-1

Application

Sec. 1. This article does not apply to the following:

(1) A permit holder licensed to conduct a pari-mutuel wagering horse racing meeting under IC 4-31.

(2) A qualified organization licensed to conduct charity gaming events under IC 4-32.2.

(3) A licensed owner or operating agent operating a riverboat under IC 4-33.

(4) A permit holder licensed to conduct gambling games under IC 4-35.

(5) A person authorized to conduct type II gaming under IC 4-36.

As added by P.L.255-2015, SEC.1.

IC 4-29-2
Chapter 2. Definitions

IC 4-29-2-1
Application
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.255-2015, SEC.1.

IC 4-29-2-2
"Class III gaming"
Sec. 2. "Class III gaming" has the meaning set forth in 25 U.S.C. 2703(8).
As added by P.L.255-2015, SEC.1.

IC 4-29-2-3
"Indian lands"
Sec. 3. "Indian lands" has the meaning set forth in 25 U.S.C. 2703(4).
As added by P.L.255-2015, SEC.1.

IC 4-29-2-4
"Indian tribe"
Sec. 4. "Indian tribe" has the meaning set forth in 25 U.S.C. 2703(5).
As added by P.L.255-2015, SEC.1.

IC 4-29-2-5
"Tribal-state compact"
Sec. 5. "Tribal-state compact" means a compact under 25 U.S.C. 2701 et seq. between an Indian tribe and the state to allow gaming on Indian lands located in Indiana.
As added by P.L.255-2015, SEC.1.

IC 4-29-3

Chapter 3. Tribal-State Compacts

IC 4-29-3-1

General Assembly compact ratification

Sec. 1. The state may not enter into, amend, or modify a tribal-state compact without the ratification of the general assembly.

As added by P.L.255-2015, SEC.1.

IC 4-29-3-2

General Assembly compact ratification

Sec. 2. A tribal-state compact entered into, amended, or modified without the ratification of the general assembly is void.

As added by P.L.255-2015, SEC.1.

IC 4-29-3-3

Negotiation and execution of tribal-state compact

Sec. 3. The governor is responsible for negotiating and executing a tribal-state compact on behalf of the state with an Indian tribe located within Indiana for the purpose of authorizing Class III gaming on Indian lands located within Indiana under 25 U.S.C. 2701 et seq. The governor's responsibilities under this section include the negotiation and execution of any amendment or modification to a tribal-state compact. However, the governor may not negotiate compact terms with an Indian tribe until the United States government formally takes land into trust as Indian lands for the Indian tribe.

As added by P.L.255-2015, SEC.1.

IC 4-29-3-4

Required terms of compact

Sec. 4. (a) A tribal-state compact negotiated under this chapter must include terms concerning the following:

(1) The management of the Indian tribe's gaming operation.

(2) Revenue sharing with the state and local units of government.

(3) Infrastructure and site improvements.

(4) The administration and regulation of gaming.

(5) The types of games operated by the Indian tribe.

(b) This section does not preclude additional items and terms from being negotiated and agreed to in any tribal-state compact.

As added by P.L.255-2015, SEC.1.

IC 4-29-3-5

Submission of compact to the General Assembly

Sec. 5. Following the completion of negotiations and the execution of a tribal-state compact, the governor shall submit a copy of the executed tribal-state compact to the president pro tempore of

the senate and the speaker of the house of representatives for ratification. To ratify the tribal-state compact, the general assembly must enact a bill codifying the tribal-state compact in the manner required by the Constitution of the State of Indiana.
As added by P.L.255-2015, SEC.1.

IC 4-29-3-6
Submission of compact to the Secretary of State

Sec. 6. Upon receipt of an act ratifying a tribal-state compact, the governor shall cause the ratified tribal-state compact to be deposited with the secretary of state under IC 4-3-1-1.
As added by P.L.255-2015, SEC.1.

IC 4-29-3-7
Submission of compact to the United States Secretary of the Interior

Sec. 7. The secretary of state shall forward a copy of the executed tribal-state compact and the act of ratification to the United States Secretary of the Interior for federal review and approval as required by 25 U.S.C. 2710(d)(8).
As added by P.L.255-2015, SEC.1.

IC 4-29-3-8
Submission of amendments to or modification of compact to the General Assembly

Sec. 8. If the governor agrees to an amendment to or a modification of a tribal-state compact, the governor shall submit the amendment or modification to the general assembly for ratification in the manner required by section 5 of this chapter.
As added by P.L.255-2015, SEC.1.

IC 4-30

ARTICLE 30. INDIANA STATE LOTTERY

IC 4-30-1

Chapter 1. Purpose and Intent

IC 4-30-1-1

Purpose

Sec. 1. The purpose of this article is to establish lottery games in Indiana that are the best available and that enable the people of Indiana to benefit from significant additional money for capital improvements.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-1-2

Intent

Sec. 2. In construing this article, it is the intent of the general assembly that the following policies be carried out:

(1) That the lottery games be operated by the state lottery commission, which is created by IC 4-30-3 as a separate body politic and corporate from state government and should function as much as possible as an entrepreneurial business enterprise.

(2) That the general assembly recognizes that the operation of a lottery is a unique activity for state government and that policies and procedures appropriate for the performance of other governmental functions are not necessarily appropriate for the operation of a lottery.

(3) That the lottery games be operated as a self-supporting revenue raising operation.

(4) That the commission be accountable to the general assembly and the people of Indiana through a system of audits and reports and by complying with financial disclosure, open meetings, and public record laws.

(5) That the commission ensure the equitable participation of minorities and women in all phases of the lottery, including instant game and on-line retailers and vendors. The commission shall establish annual goals:

(A) for the use of minority and women's business enterprises (as defined in IC 4-13-16.5-1 and IC 4-13-16.5-1.3) in construction, professional services, other services, and supplies; and

(B) derived from a statistical analysis of utilization study of lottery contracts that are required to be updated every five (5) years.

The commission shall, in cooperation with the Indiana department of administration, adopt rules under IC 4-22-2 to ensure that the goals set under this subdivision are met.

(6) That lottery game advertising and promotion shall be

consistent with the dignity and integrity of the state.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.1-1990, SEC.41; P.L.195-2001, SEC.8.

IC 4-30-2
Chapter 2. Definitions

IC 4-30-2-1
Definitions; application
Sec. 1. The definitions set forth in this chapter apply throughout this article.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-2-2
"Commission" defined
Sec. 2. "Commission" refers to the state lottery commission.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-2-3
"Director" defined
Sec. 3. "Director" refers to the director of the commission.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-2-4
"Lottery" defined
Sec. 4. "Lottery" refers to the Indiana state lottery.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-2-5
"Major procurement" defined
Sec. 5. "Major procurement" means a procurement for a contract for the printing of tickets to be used in a lottery game, consultation services for the start up and operation of the lottery, and any goods and services involving any of the following:
(1) The official recording for lottery game play purposes of a player's selection in lottery games involving player selections.
(2) The receiving of a player's selection directly from a player in lottery games involving player selections.
(3) The drawing, determination, or generation of winners in lottery games.
(4) The security services required under this article.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-2-6
"Person" defined
Sec. 6. "Person" means an individual, a firm, an association, a joint venture, a partnership, a limited liability company, an estate, a trust, a syndicate, a fiduciary, a corporation, or any other group or combination. The term includes an agency or political subdivision of the state.
As added by P.L.341-1989(ss), SEC.1. Amended by P.L.8-1993, SEC.34.

IC 4-30-2-7
"Retailer" defined

Sec. 7. "Retailer" means a person who sells lottery tickets on behalf of the commission under a contract.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.1.

IC 4-30-2-8
"Vendor" defined

Sec. 8. "Vendor" means a person who provides or proposes to provide goods or services to the commission. The term does not include an employee of the commission, a retailer, or a state agency.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3
Chapter 3. Creation, Powers, and Duties of the Commission

IC 4-30-3-1
State lottery commission; creation; composition; authority; duties

Sec. 1. There is created a state lottery commission as a body politic and corporate separate from the state. The commission is composed of five (5) members selected as provided in IC 4-30-4. The commission has the authority to sue and be sued in the name of the commission and to adopt a commission seal and symbol. The commission shall supervise and administer the operation of the Indiana state lottery in accordance with this article.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-2
Investigations; powers

Sec. 2. For purposes of conducting an investigation or proceeding, the commission may administer oaths, take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-3
Monthly and annual reports

Sec. 3. (a) The commission shall submit written monthly and annual reports to the governor disclosing the total lottery revenues, prize disbursements, and other expenses of the commission during the preceding month and year. In the annual report the commission shall:

(1) describe the organizational structure of the commission;
(2) identify the divisions created by the director; and
(3) summarize the functions performed by each division.

(b) The commission shall submit the annual report to the governor, president pro tempore of the senate, the speaker of the house of representatives, the director of the budget agency, and, in an electronic format under IC 5-14-6, the executive director of the legislative services agency no later than February 1 of each year.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.28-2004, SEC.50.

IC 4-30-3-4
Records of lottery transactions

Sec. 4. The commission shall maintain weekly or more frequent records of lottery transactions, including the distribution of tickets to retailers, revenue received, claims for prizes, prizes paid, and other financial transactions of the commission.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-5
Commission studies

Sec. 5. The commission shall make a continuing study of the following:

(1) The lottery, in order to ascertain any amendments necessary to this article or to rules adopted under this article that could prevent any abuses in the administration of the lottery.

(2) The operation and administration of similar lottery laws in other states and of federal laws that may affect the lottery.

(3) The reaction of the public to existing and potential features of the lottery.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-6
Market research

Sec. 6. The commission shall conduct market research as necessary or appropriate, which may include an analysis of the demographic characteristics of the players of each lottery game and an analysis of advertising, promotion, public relations, incentives, and other aspects of communications.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-7
Adoption of rules governing establishment, implementation, and operation of lottery

Sec. 7. The commission shall adopt rules under IC 4-22-2 governing the establishment, implementation, and operation of the lottery, including the following:

(1) The type of lottery games to be conducted, except that:

(A) the name of an elected official may not appear on a ticket or play slip of a lottery game, on a prize, or on an instrument used for the payment of prizes, unless the prize is in the form of a state warrant; and

(B) coins or currency may not be dispensed from an electronic computer terminal or device used in a lottery game.

(2) The sales price of tickets.

(3) The number and size of prizes.

(4) The method of selecting winning tickets. However, if a lottery game involves a drawing, the drawing must be public and witnessed by an independent certified public accountant. The equipment used in the drawing shall be inspected before and after the drawing.

(5) The manner of payment of prizes to holders of winning tickets.

(6) The frequency of drawings of winning tickets.

(7) The number and type of locations at which tickets may be purchased.

(8) The method to be used in selling tickets.
(9) The manner and amount of compensation of retailers.
(10) The feasibility of using for a lottery game a terminal or device that may be operated solely by the player without the assistance of a retailer.
(11) A system of internal audits.
(12) The establishment of a code of ethics for officers and employees of the commission.
(13) Any other matters necessary or desirable for the efficient or economical operation of the lottery or for the convenience of the public.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-8
Promotion and advertising

Sec. 8. (a) The commission may promote and advertise the lottery.

(b) A promotion may refer to the total lottery prize, even though the prize may be paid over a period of years.

(c) The commission may act as a retailer and conduct promotions involving the dispensing of free lottery tickets.

(d) The director may authorize a sales incentive program for employees of the commission for the purpose of increasing the sales volume and distribution of lottery tickets.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-9
Emergency rules; expiration date

Sec. 9. (a) The commission may adopt emergency rules under IC 4-22-2-37.1.

(b) An emergency rule adopted by the commission under this section expires on the earlier of the following dates:

(1) The expiration date stated in the emergency rule.
(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under IC 4-22-2-37.1.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.1-1990, SEC.42; P.L.140-2013, SEC.2.

IC 4-30-3-10
Insurance

Sec. 10. The commission may purchase insurance.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-11
Ownership, sale, and leasing of real and personal property

Sec. 11. The commission is entitled to own, sell, and lease real and personal property as necessary to carry out its responsibilities under this article.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-12
Copyrights, trademarks, and service marks

Sec. 12. The commission is entitled to own copyrights, trademarks, and service marks and to enforce its rights with respect to ownership.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-13
Employment of division directors and staff; restrictions

Sec. 13. The commission may employ division directors and other staff necessary to carry out this article. However, the following restrictions apply to the commission and the director's authority to employ individuals and to the duties of the individuals employed by the commission:

(1) An individual may not be employed by the commission if the individual has been convicted of or entered a plea of guilty or nolo contendere to a felony committed in the preceding ten (10) years, regardless of adjudication, unless the commission determines that:

(A) the individual has been pardoned or the individual's civil rights have been restored; or

(B) subsequent to the individual's conviction or entry of a plea the individual engaged in the kind of law abiding behavior and good citizenship that would reflect well upon the integrity of the lottery.

(2) The director, a member, or an employee of the commission having decision making authority may not participate in a decision involving a vendor or retailer with whom the director, member, or employee has a financial interest. An employee may not participate in a decision involving a vendor or retailer with whom the employee has discussed employment opportunities without the approval of the director or, if the individual is the director or a member of the commission, without the approval of the governor. An employee of the commission shall notify the director of any employment opportunities discussed or, if the individual is the director or a member of the commission, the director or member shall notify the governor. A violation of this subdivision is a Class A infraction.

(3) The director, a member, or an employee of the commission who terminates employment with the commission may not represent a vendor or retailer before the commission regarding a specific matter that the director, member or employee was involved in while serving as a director or member of or while employed by the commission for one (1) year following the date the director or member left the commission or the date of cessation of employment with the commission. A violation of

this subdivision is a Class A infraction.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-14
Personnel program

Sec. 14. The commission shall establish and maintain a personnel program for its employees. Employees of the commission serve at the pleasure of the director and are subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the director.
As added by P.L.341-1989(ss), SEC.1. Amended by P.L.100-2012, SEC.12.

IC 4-30-3-14.5
Membership in public employees' retirement fund

Sec. 14.5. (a) This section applies to an individual who:

(1) on July 1, 2013, is a member or a full-time employee of the commission; or

(2) after June 30, 2013, becomes employed or reemployed as a member or a full-time employee of the commission.

(b) After June 30, 2013, a member or an employee of the commission:

(1) is eligible for;

(2) must participate in; and

(3) receives the benefits of;

the public employees' retirement fund under IC 5-10.2 and IC 5-10.3.
As added by P.L.195-2013, SEC.1.

IC 4-30-3-15
Fees for applications for contract as vendor or retailer

Sec. 15. The commission may charge fees to persons applying for a contract as a vendor or retailer. The fees must be reasonably calculated to cover the costs of investigations and other activities related to the processing of the application.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-16
Contracts for purchase, lease, or lease-purchase of goods and services

Sec. 16. The commission may enter into contracts for the purchase, lease, or lease-purchase of goods and services necessary for the operation and promotion of the lottery, including assistance provided by a governmental agency. The commission may require separate bids or proposals for each of the following supplies or services, if the supplies or services are provided under contract with the commission under this section or under IC 4-30-8:

(1) Management consultation services.

(2) Instant lottery ticket services and supplies.

(3) On-line services and supplies.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-17
Contracts with retailers to provide tickets to public

Sec. 17. The commission may enter into contracts with retailers under this article to provide adequate and convenient availability of tickets to the public for each game.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-3-18
Multiple jurisdictional lotteries

Sec. 18. (a) The commission may enter into agreements with other jurisdictions for the operation and promotion of a multiple jurisdictional lottery if these agreements are in the best interest of the lottery.

(b) Before the commission enters into an agreement with a jurisdiction other than a state for a lottery game that originates and is operated under foreign law, the commission must adopt rules under IC 4-22-2 governing the establishment, implementation, and operation of the lottery game. The rules adopted under this subsection must include the information described in section 7 of this chapter. The commission may not adopt emergency rules to meet the requirements of this subsection.
As added by P.L.341-1989(ss), SEC.1. Amended by P.L.34-2002, SEC.1.

IC 4-30-3-19
Contracts for vendor and auditing services

Sec. 19. (a) The definitions set forth in IC 3-5-2 apply to this section.

(b) This subsection applies to contributions made after March 15, 1989, and before March 29, 1996. The commission or director may not enter into a contract with a person to serve as a vendor for a major procurement or to provide auditing services to the commission if the person has made a contribution to a candidate for a state office within the three (3) years preceding the award of the contract. A person that enters into a contract with the commission as a vendor for a major procurement or to provide auditing services may not make a contribution to such a candidate during the three (3) years following the last award or renewal of the contract. A person is considered to have made a contribution if a contribution is made by:

(1) the person;
(2) an officer of the person; or
(3) a political action committee (as defined in IC 3-5-2-37) of the person.

(c) A person who knowingly or intentionally violates this section commits a Level 6 felony.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.2; P.L.3-1995, SEC.139; P.L.4-1996, SEC.89; P.L.158-2013, SEC.60.

IC 4-30-3-19.5
Contributions to candidates or committees; state offices

Sec. 19.5. (a) This section applies only to contributions made after March 28, 1996.

(b) The definitions set forth in IC 3-5-2 apply to this section.

(c) As used in this section, "candidate" refers only to a candidate for a state office.

(d) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "contract" refers only to a contract with the commission or the director for any of the following:

(1) A major procurement.

(2) Auditing services to the commission.

(f) As used in this section, "contractor" means a person who has a contract with the commission or the director.

(g) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(h) A person is considered to have made a contribution under this section if a contribution is made by any of the following:

(1) The person.

(2) An officer of the person.

(3) A political action committee of the person.

(i) A person may not enter into a contract if the person has made a contribution to a candidate or a committee within the three (3) years preceding the award of the contract.

(j) A contractor, an officer of a contractor, or a political action committee of a contractor may not make a contribution to a candidate or a committee while the contract is in effect and during the three (3) years following the final expiration or termination of the contract.

(k) A person who knowingly or intentionally violates this section commits a Level 6 felony.

As added by P.L.4-1996, SEC.90. Amended by P.L.158-2013, SEC.61.

IC 4-30-3-19.7

Contributions to candidates or committees; legislative or local offices

Sec. 19.7. (a) This section applies only to contributions made after March 28, 1996.

(b) The definitions set forth in IC 3-5-2 apply to this section.

(c) As used in this section, "candidate" refers only to the following:

(1) A candidate for a legislative office.

(2) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "contract" refers only to a contract with the commission or the director for any of the following:

(1) The printing of tickets to be used in a lottery game.

(2) Consultation services for operation of the lottery.

(3) Any goods and services involving any of the following:

(A) Equipment for the official recording for lottery game play purposes of a player's selection in lottery games involving player selections.

(B) The drawing, determination, or generation of winners in lottery games.

(C) The security services required under this article.

(f) As used in this section, "contractor" refers to a person who has a contract with the commission or the director.

(g) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(h) A person is considered to have made a contribution under this section if a contribution is made by any of the following:

(1) The person.

(2) An officer of the person.

(3) A political action committee of the person.

(i) A person may not enter into a contract if the person has made a contribution to a candidate or a committee within the three (3) years preceding the award of the contract.

(j) A contractor, an officer of a contractor, or a political action committee of a contractor may not make a contribution to a candidate or a committee while the contract is in effect and during the three (3)

years following the final expiration or termination of the contract.

(k) A person who knowingly or intentionally violates this section commits a Level 6 felony.

As added by P.L.4-1996, SEC.91. Amended by P.L.158-2013, SEC.62.

IC 4-30-4

Chapter 4. Commission Members; Meetings

IC 4-30-4-1

Members; resident requirement; political party; vacancies

Sec. 1. The commission is composed of five (5) members to be appointed by the governor. All members must be residents of Indiana for at least the two (2) years immediately preceding the member's appointment. No more than three (3) members may be of the same political party. Vacancies shall be filled for the remainder of an unexpired term in the same manner as the original appointment.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-4-2

Consecutive terms

Sec. 2. A member of the commission may not serve more than two (2) consecutive four (4) year terms.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-4-3

Chairman and officers

Sec. 3. The governor shall annually select from the members a chairman and the commission shall annually select from the members any other officers necessary.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-4-4

Meetings

Sec. 4. The commission shall meet at least once each quarter or more often at the call of the chairman or the director. IC 5-14-1.5 (the open door law) applies to the commission's meetings.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-4-5

Salary of nonelected officials; reimbursement of expenses

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

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-4-6

Duties

Sec. 6. The commission shall oversee the operation of the lottery and serve as a resource group for the director, providing the director

with private sector perspectives on the operation of a large marketing enterprise.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-4-7
Powers

Sec. 7. The commission, or a member of the commission, may advise the director and make recommendations regarding operations of the lottery and identify potential improvements in this article and in the management of the lottery.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-5

Chapter 5. Director of the Commission

IC 4-30-5-1

Appointment; compensation

Sec. 1. The governor shall appoint the director of the commission to serve at the pleasure of the governor. The director's compensation shall be approved annually by the governor under IC 4-12-2.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-5-2

Candidate search

Sec. 2. The governor shall conduct a thorough search to find the most qualified director available. In conducting a search the governor shall consider business management experience, marketing experience, computer experience, and lottery management experience.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-5-3

Operation of lottery

Sec. 3. The director shall operate the lottery to maximize revenues in a manner consistent with the dignity of the state and the welfare of its citizens.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-5-4

Creation of divisions; security matters

Sec. 4. The director may create divisions within the commission and allocate the various functions of the commission among these divisions. However, to promote and protect the integrity of and public confidence in the lottery, the division of security created by IC 4-30-6 is responsible for security matters. The director may not assign security matters to any other division within the commission.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-5-5

Office of director; location; regional offices

Sec. 5. The office of the director must be located in Indianapolis. However, the commission may establish regional offices throughout Indiana as the director determines necessary for the efficient operation of the lottery.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-5-6

Duties of director

Sec. 6. If a person files a petition to assign a lottery prize payment under IC 34-28-9.2 and the person has had debts to a state agency,

the director shall:

(1) investigate whether the person has any outstanding debts to a state agency; and

(2) submit a letter, within fifteen (15) days after receiving the petition, to the petitioner and the court in which the petition is filed that:

(A) references the cause number of the petition to assign a lottery prize payment; and

(B) states whether the person has or has not satisfied debts to a state agency.

As added by P.L.198-2014, SEC.1.

IC 4-30-6
Chapter 6. Division of Security

IC 4-30-6-1
Director

Sec. 1. The director shall appoint a director of the division of security who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer all activities of the division.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-6-2
Employment requirements; powers

Sec. 2. The division director and all investigators employed by the division of security must meet the requirements for employment and appointment applicable to enforcement officers under IC 7.1-2. The division director and the investigators may do any of the following:

(1) Investigate an alleged violation.

(2) Arrest an alleged violator of this article or a rule adopted by the commission.

(3) Enter upon a premises in which lottery tickets are sold, manufactured, printed, or stored within Indiana for the performance of their lawful duties.

(4) Take with them necessary equipment for further investigation.

(5) If there is reason to believe that a violation has occurred, search and inspect the premises where the violation is alleged to have occurred or is occurring. These searches may not be conducted unless a warrant has first been obtained by the division director. In addition, a contract entered into by the commission may not include a provision allowing for warrantless searches.

(6) Seize or take possession of papers, records, tickets, currency, or other items related to an alleged violation.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-6-3
Criminal background investigations on employees

Sec. 3. The state police department shall, at the request of the division of security, perform full criminal background investigations on employees of the commission at the level of director or division director and at any level within the division of security, including applicants for employment. The commission shall reimburse the state police department for actual costs of an investigation.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-6-4
Investigation of vendors, retailers, and employees

Sec. 4. The division of security shall conduct investigations of vendors, retailers, and employees of the commission, including applicants for contracts or employment, necessary to ensure the security and integrity of the operation of the lottery. The commission may require persons subject to an investigation to provide any information, including fingerprints, that is needed by the state police department to carry out the investigation or that is otherwise necessary to facilitate access to state and criminal history information.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-6-5
State police department; duties; state agencies

Sec. 5. (a) The state police department shall provide:

(1) assistance in obtaining criminal history information relevant to investigations required for honest, secure, exemplary lottery operations; and

(2) any other assistance that may be requested by the director and agreed to by the superintendent of the state police department.

(b) Any other state agency, including the department of state revenue and the professional licensing agency, shall upon request provide the lottery commission with information relevant to an investigation conducted under this article. The commission shall reimburse an agency for the actual cost of providing assistance under this section.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-6-6
Supervision of ticket validation and lottery drawings

Sec. 6. The division of security shall supervise ticket validation and lottery drawings.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-6-7
Comprehensive study and evaluation of security

Sec. 7. (a) After the first full year of ticket sales to the public, or sooner if the director considers necessary, the commission shall engage an independent firm experienced in security procedures, including computer security and systems security, to conduct a comprehensive study and evaluation of all aspects of security in the operation of the division of security.

(b) The part of the security report containing the overall evaluation of the commission shall be presented to the commission and the governor. Any part of the security report containing information protected from disclosure by IC 5-14-3 shall not be disclosed by the commission or by the governor.

(c) After the initial security study, similar studies of security shall

be conducted as the commission determines to be appropriate but at least once every two (2) years.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-7

Chapter 7. Administrative Procedure

IC 4-30-7-1

Decision making process; written protest

Sec. 1. IC 4-21.5 applies to the commission's decision making process, except that a formal written protest of any decision, intended decision, or other action subject to IC 4-21.5 must be filed within seventy-two (72) hours after receipt of the notice of the decision, intended decision, or other action.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-7-2

Termination of contract and certificate of authority of retailer; right to continue operating

Sec. 2. If the commission proposes to terminate the contract and certificate of authority of a retailer, the retailer may continue to operate under the certificate of authority until the commission has made its decision and all administrative appeals have been exhausted by the retailer. However, this right to continue to operate does not apply to a retailer if the commission declares in a decision to terminate a certificate of authority that an emergency exists that requires the immediate termination of the contract and certificate.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-8
Chapter 8. Vendors; Disclosure and Contract Requirements

IC 4-30-8-1
Contracts for purchase, lease, or lease-purchase of goods or services; restrictions; considerations

Sec. 1. (a) The commission may enter into contracts for the purchase, lease, or lease-purchase of goods or services necessary to carry out this article. The commission may not contract with any person or entity for the total operation and administration of the lottery established by this article, but may enter into contracts and make purchases that integrate functions such as lottery game design, supply of goods and services, and advertisement.

(b) In all procurement decisions, the director, or the commission, if the commission chooses to make the decision, shall take into account the particularly sensitive nature of the lottery and shall consider the competence, quality of product, experience, and timely performance of the vendors in order to promote and ensure security, honesty, fairness, and integrity in the operation and administration of the lottery and the objective of raising net revenues for the benefit of the public purposes described in this article.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-8-2
Investigation of persons who submit bids, proposals, or offers; disclosure of information

Sec. 2. The division of security shall investigate the financial responsibility, security, and integrity of a person who submits a bid, proposal, or offer as part of a major procurement. At a minimum, each person must disclose at the time of submitting a bid, proposal, or offer to the commission all of the following items:

(1) A disclosure of the vendor's name and address and the names and addresses of the following:

(A) If the vendor is a corporation, the officers, directors, and each stockholder in the corporation, except that in the case of owners of equity securities of a publicly traded corporation only the names and addresses of those known to the corporation to own beneficially at least five percent (5%) in equity securities need be disclosed.

(B) If the vendor is a trust, the trustees and all persons entitled to receive income or benefits from the trust.

(C) If the vendor is an association, the members, officers, and directors.

(D) If the vendor is a partnership or joint venture, all of the general partners, limited partners, or joint venturers.

(2) A disclosure of all the states and jurisdictions in which the vendor does business and the nature of that business for each state or jurisdiction.

(3) A disclosure of all the states and jurisdictions in which the vendor has contracts to supply gaming goods or services, including lottery goods and services, and of the nature of the goods and services involved for each state or jurisdiction.
(4) A disclosure of all the states and jurisdictions in which the vendor has applied for, has sought renewal of, has received, has been denied, has pending, or has had revoked or terminated a gaming license or contract of any kind and of the disposition in each state or jurisdiction. If a gaming license or contract has been revoked or terminated or has not been renewed or a gaming license application or contract bid has been either denied or is pending and has remained pending for more than six (6) months, all of the facts and circumstances underlying this failure to receive a license or contract must be disclosed.
(5) A tax clearance statement from the department of state revenue certifying that the vendor is not on the most recent tax warrant list.
(6) A disclosure of the details of a conviction or judgment of a state or federal court of the vendor of a felony or any other criminal offense other than a traffic violation.
(7) A disclosure of the details of a bankruptcy, an insolvency, a reorganization, or any pending litigation of the vendor.
(8) If a vendor subcontracts part of the work to be performed, the vendor shall disclose all the information required by this chapter for the subcontractor as if the subcontractor were a vendor.
(9) Additional disclosures and information the commission determines appropriate for the procurement involved.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-8-3
Contracts that do not comply with disclosure requirements; enforceability; construction

Sec. 3. A contract for a major procurement with a vendor that does not comply with the disclosure requirements described in section 2 of this chapter may not be entered into and is not enforceable. A contract with a vendor who does not comply with the requirements for periodically updating the disclosures during the tenure of the contract as specified in the contract may be terminated by the commission. This section shall be construed broadly and liberally to achieve full disclosure of all information necessary to allow for a full and complete evaluation by the commission of the competence, integrity, background, and character of vendors for major procurement.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-8-4
Vendor convicted of felony within preceding ten years; contract

restrictions

Sec. 4. A contract for a major procurement with a vendor may not be entered into if the vendor has been convicted of, or entered a plea of guilty or nolo contendere to, a felony committed in the preceding ten (10) years, regardless of adjudication, unless the commission determines that:

(1) the vendor has been pardoned or the vendor's civil rights have been restored;

(2) subsequent to the conviction or entry of the plea the vendor has engaged in the kind of law abiding commerce and good citizenship that would reflect well upon the integrity of the lottery; or

(3) if the vendor is a firm, an association, a partnership, a trust, a corporation, a limited liability company, or other entity, the vendor has terminated its relationship with the individual whose actions directly contributed to the vendor's conviction or entry of the plea.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.8-1993, SEC.35.

IC 4-30-8-5

Bond or letter of credit

Sec. 5. Each vendor in a major procurement must, at the time of executing the contract with the commission, post an appropriate bond or a letter of credit with the commission in an amount equal to the full amount estimated to be paid annually to the vendor under contract. However, the commission may, by a majority vote of all the members of the commission, adopt a resolution expressly permitting the director to decrease the bond or letter of credit requirement for a procurement, if the director determines that the decrease will result in a cost savings to the commission while still providing adequate protection against nonperformance. In lieu of a bond or letter of credit, a vendor may, to assure the faithful performance of its obligations, deposit and maintain with the commission securities that are interest bearing or accruing and that, with the exception of those specified in subdivision (1) or (2), are rated in one (1) of the four (4) highest classifications by an established nationally recognized investment rating service. Securities eligible under this section are limited to the following:

(1) Certificates of deposit issued by solvent banks or savings associations organized and existing under Indiana law or under the laws of the United States and having their principal place of business in Indiana.

(2) United States bonds and bills for which the full faith and credit of the government of the United States is pledged for the payment of principal and interest.

(3) General obligation bonds and notes of any political subdivision of the state.

(4) Corporate bonds of a corporation that is not an affiliate or subsidiary of the depositor.

Securities shall be held in trust and must have at all times a market value at least equal to the full amount estimated to be paid annually to the vendor under contract.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-8-6

Liquidated damages

Sec. 6. Each contract entered into by the commission for a major procurement under this chapter must contain a provision for payment of liquidated damages to the commission for a breach of the major procurement contract by the vendor.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.3.

IC 4-30-8-7

Warrantless searches; prohibition

Sec. 7. A contract entered into by the commission under this chapter may not include a provision allowing for warrantless searches.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-8-8

Qualified to do business in state; filing of tax returns; governing law

Sec. 8. Each vendor must be qualified to do business in Indiana and shall file appropriate tax returns as provided by Indiana law. All contracts are governed by Indiana law.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-8-9

Adoption of rules for procurement

Sec. 9. IC 5-22 does not apply to procurement by the commission. The commission shall adopt rules under IC 4-22-2 for procurement. The rules shall be designed to aid the commission in evaluating competing proposals and selecting the proposal that provides the greatest long term benefit to Indiana with respect to the quality of the product or services, dependability and integrity of the vendor, dependability of the vendor's products or service, security, competence, timeliness, and maximization of gross revenues and net proceeds over the life of the contract.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.49-1997, SEC.24.

IC 4-30-9
Chapter 9. Retailers of Lottery Tickets

IC 4-30-9-1
Terms and conditions for contracting with retailers; adoption of rules

Sec. 1. The commission shall adopt rules under IC 4-22-2 specifying the terms and conditions for contracting with retailers who will best serve the public interest and promote the sale of lottery tickets.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-9-2
Selection of retailers; considerations

Sec. 2. (a) In the selection of retailers, the commission shall consider factors such as the following:

(1) Financial responsibility.
(2) Integrity.
(3) Reputation.
(4) Accessibility of the place of business or activity to the public.
(5) Security of the premises.
(6) The sufficiency of existing retailers to serve the public.
(7) Convenience.
(8) The projected volume of sales for the lottery game involved.

(b) In consideration of the factors in subsection (a), the commission may require the information it considers necessary of any person proposing to enter into a retailer's contract. However, the commission may not establish a limitation on the number of retailers and shall make every effort to include small business participation as retailers. Retailer selections shall be based on business considerations and public convenience. Retailers shall be selected without regard to political affiliation.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-9-3
Prohibited retailers

Sec. 3. The commission may not contract with a person as a retailer that:

(1) is less than eighteen (18) years of age;
(2) is engaged exclusively in the business of selling lottery tickets, although this does not preclude the commission from selling lottery tickets;
(3) is on the most recent tax warrant list provided to the commission by the department of state revenue;
(4) has been convicted of, or entered a plea of guilty or nolo contendere to, a felony committed in the preceding ten (10) years, regardless of adjudication, unless the commission

determines that:

(A) the person has been pardoned or the person's civil rights have been restored;

(B) subsequent to the conviction or entry of the plea the person has engaged in the kind of law abiding commerce and good citizenship that would reflect well upon the integrity of the lottery; or

(C) if the person is a firm, an association, a partnership, a trust, a corporation, a limited liability company, or other entity, the person has terminated its relationship with the individual whose actions directly contributed to the person's conviction or entry of the plea; or

(5) is:

(A) a department, an agency, a commission, a division, an authority, a board, a bureau, a hospital, or an office of the state, including a state educational institution;

(B) an entity that performs an essential governmental function;

(C) part of the judicial department of government;

(D) part of the legislative department of government; or

(E) a political subdivision of the state, including an agency, an authority, a board, a bureau, a commission, a committee, a council, a department, a division, an institution, an office, an officer, or other similar body of a political subdivision.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.4; P.L.8-1993, SEC.36; P.L.2-2007, SEC.62.

IC 4-30-9-4

Certificate of authority

Sec. 4. The commission shall issue a certificate of authority to each person with whom it contracts as a retailer for purposes of display under section 6 of this chapter. The issuance of a certificate does not confer upon the retailer any right apart from that specifically granted in the contract. The authority to act as a retailer is not assignable or transferable.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-9-5

Suspension or termination of contracts

Sec. 5. A contract executed by the commission under this chapter must specify the reasons for a suspension or termination of the contract by the commission, including the following:

(1) Commission of a violation of this article, IC 35-45-5-3, IC 35-45-5-3.5, IC 35-45-5-4, or a rule adopted under this article.

(2) Failure to accurately account for lottery tickets, revenues, or prizes as required by the commission.

(3) Commission of a fraud, deceit, or misrepresentation.

(4) Insufficient sale of tickets.
(5) Conduct prejudicial to public confidence in the lottery.
(6) A material change in a matter considered by the commission executing the contract with the retailer.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.227-2007, SEC.1.

IC 4-30-9-6
Displaying of certificate of authority and estimated odds of winning

Sec. 6. Each retailer shall post and keep conspicuously displayed in a location on the premises accessible to the public the following:
(1) Its certificate of authority.
(2) With respect to each game, a statement supplied by the commission of the estimated odds of winning a prize for the game.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-9-7
Tax clearance statement

Sec. 7. Before the commission may enter into a contract with a retailer, the retailer must provide a tax clearance statement from the department of state revenue that certifies that the retailer does not owe delinquent state taxes.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-9-8
Sale of lottery tickets; restrictions

Sec. 8. A contract with a retailer may not authorize the sale of lottery tickets at more than one (1) location. The commission may enter into more than one (1) contract with a retailer that has more than one (1) business location. A retailer must have a separate certificate of authority to sell lottery tickets for each business location approved by the commission. A retailer may sell lottery tickets only at the location stated on the certificate of authority.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-9-9
Retailers whose rental payments for premises are contractually computed on basis of a percentage of retail sales; amount of retail sales for lottery tickets

Sec. 9. With respect to a retailer whose rental payments for premises are contractually computed in whole or in part on the basis of a percentage of retail sales, and where the computation of retail sales is not explicitly defined to include the sale of tickets in a lottery, for purposes of such a computation the amount of retail sales for lottery tickets by the retailer may not exceed the amount of the compensation received by the retailer from the commission.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-9-10
Bond or letter of credit; alternatives

Sec. 10. (a) The commission may require each retailer to post an appropriate bond or provide a letter of credit as determined by the commission, using an insurance company acceptable to the commission. The amount of the bond or letter of credit may not exceed two (2) times the average lottery ticket sales of the retailer for the period during which the retailer is required to remit lottery funds to the commission. For the first ninety (90) days of sales for a new retailer, the amount of the bond or letter of credit may not exceed two (2) times the average estimated lottery ticket sales for the period during which the retailer is required to remit lottery funds to the commission. This subsection does not apply to lottery tickets that are prepaid by the retailer.

(b) Instead of a bond or letter of credit, the commission may purchase blanket bonds or a crime insurance policy endorsed to include faithful performance covering all or selected retailers, or may allow a retailer to deposit and maintain with the treasurer of state securities that are interest bearing or accruing and that, with the exception of those specified in subdivisions (1) and (2), are rated in one (1) of the four (4) highest classifications by an established nationally recognized investment rating service. Securities eligible under this subsection are limited to the following:

(1) Certificates of deposit issued by solvent banks or savings associations organized and existing under Indiana law or under the laws of the United States and having their principal place of business in Indiana.

(2) United States bonds, notes, and bills for which the full faith and credit of the government of the United States is pledged for the payment of principal and interest.

(3) General obligation bonds and notes of a political subdivision of the state.

(4) Corporate bonds of a corporation that is not an affiliate or subsidiary of the depositor.

These securities shall be held in trust and must have a market value at least equal to an amount required by the commission.

(c) Instead of a bond, letter of credit, blanket bond, or crime insurance policy endorsed to include faithful performance, the commission may establish a self-insurance fund to provide protection to the commission for a breach of contract by a retailer. The fund shall be administered by the treasurer of state. The commission may charge a fee to a retailer for deposit into the fund. The fee shall be reasonably calculated to cover the cost of administering the fund, must be reasonably proportionate to the risk of loss under the contract with the retailer, as determined by the commission, and must be sufficient to maintain an appropriate balance in the fund in the

determination of the commission. The expenses of administering the fund shall be paid from the fund, from the collections of all claims against retailers for which withdrawals had been made, and by the receipt of all interest and other earnings of the insurance fund from any source. All fees, interest, income, or other money or property paid to the fund is exempt from all taxes imposed by the state or a political subdivision. All fees assessed by the commission under this section shall be delivered to the treasurer of state and shall be deposited into an investment account at the bank providing depository services to the commission. Money in the fund at the end of a state fiscal year does not revert to the state general fund, and the money in the fund is continually appropriated to the commission for the purposes specified in this section. Money in the fund shall be paid to the commission by the treasurer of state in reimbursement of monetary loss, costs, or expense, including attorney's fees, incurred by the commission as a result of a breach of contract by a retailer. The fees paid by retailers and the money reimbursed to the commission by the treasurer of state under this section do not constitute money received by the commission under IC 4-30-15-1.

(d) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.5; P.L.49-1995, SEC.2.

IC 4-30-9-11
Liquidated damages

Sec. 11. Each contract entered into by the commission under this chapter must contain a provision for payment of liquidated damages to the commission for a breach of contract by the retailer.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-9-12
Warrantless searches; prohibition

Sec. 12. A contract entered into by the commission under this chapter may not include a provision allowing for warrantless searches.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-9-13
Accounting of tickets sold; procedures; sale of tickets; payments to commission; reports; service charges; interest and penalties

Sec. 13. The commission shall establish procedures by which each retailer must account for all tickets sold by the retailer and account for all funds received by the retailer from sales. The contract with each retailer must include provisions relating to the sale of tickets, payments of money to the commission, reports, service charges, and interest and penalties, if necessary, that the commission considers appropriate.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-9-14
Payments to commission for tickets; form

Sec. 14. A payment by a retailer to the commission for tickets may not be in cash. All payments must be in the form of a check, bank draft, electronic funds transfer, or other financial instrument authorized by the director.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-10

Chapter 10. Bank Deposits and Control of Lottery Transactions

IC 4-30-10-1

Remittance of funds to commission; deposit of funds in public depository; receipt of funds

Sec. 1. All money received by each retailer from the operation of the lottery, including all ticket sales, interest, gifts, and donations, less the amount retained as compensation for the sale of tickets and the amount paid out as prizes, shall be remitted to the commission or deposited in a public depository, at the times and as directed by the commission. The commission is responsible for all administrative functions related to the receipt of funds. The commission may require each retailer to file with the commission reports of the retailer's receipts and transactions in the sale of lottery tickets in the form and containing the information the commission requires. The commission may require any person, including a qualified public depository, to perform any function, activity, or services in connection with the operation that the commission determines to be advisable under this article. These functions, activities, or services constitute lawful functions, activities, and services of the person.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-10-2

Electronic funds transfer accounts

Sec. 2. The commission may require retailers to establish separate electronic funds transfer accounts for the purpose of receiving money from ticket sales, making payments to the commission, and receiving payments from the commission.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-10-3

Liability of retailer for tickets accepted or generated

Sec. 3. Each retailer is liable to the commission for any and all tickets accepted or generated by an employee or representative of that retailer. These tickets are considered to have been purchased by the retailer, unless returned to the commission within the time and in the manner prescribed by the commission. All money received by retailers from the sale of lottery tickets, less the amount retained as compensation for the sale of the tickets and the amount paid out as prizes by the retailer, shall be held in trust until its delivery to the commission or electronic transfer to the administrative trust fund.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-11

Chapter 11. Payment of Prizes

IC 4-30-11-1

Verification of validity of winning tickets; adoption of rules

Sec. 1. The commission shall adopt rules under IC 4-22-2 to establish a system of verifying the validity of tickets claimed to win prizes and to make payment of the prize.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-11-2

Assignment of prize; restrictions

Sec. 2. (a) Except as provided in section 2.5 of this chapter, the right of any person to a prize is not assignable.

(b) A prize may be paid to the estate of a deceased prize winner or to a person designated under an appropriate judicial order.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.6; P.L.198-2014, SEC.2.

IC 4-30-11-2.5

Assignment of prize payments

Sec. 2.5. (a) The right of a person to a prize is assignable if the prize is paid by the commission in installments over time.

(b) A prize described in subsection (a) may be assigned, in whole or in part, if the assignment is made to a person or entity approved by a court based on a petition filed under IC 34-28-9.2.

(c) A prize payment may not be assigned to more than three (3) individuals or entities and a prize winner may not initiate more than three (3) assignment transactions in any single year.

(d) If more than one (1) person owns a prize payment, any assignment of the prize payment or payments must be made by each of the individuals who own the prize payment or payments.

(e) A prize payment or payments cannot be assigned until all debts listed in section 11 of this chapter are satisfied.

(f) A prize payment or any portion of a prize payment may not be assigned more than three (3) times unless the commission consents to an additional assignment. An assignment and reassignment of a prize payment or payments to one (1) individual or entity under a court order entered under a petition filed under IC 34-28-9.2 shall be considered a single assignment.

(g) The commission may charge a reasonable fee to the assignee to defray the cost of any administrative expenses associated with assignments approved by a court under IC 34-28-9.2. The fee may include the cost to the commission of a reasonable processing fee charged by a private annuity provider based on the direct and indirect costs of processing the assignment.

(h) A person who enters into a contract to assign a prize payment or payments under this section may cancel the contract assigning the

person's prize payment or payments within three (3) business days after the date the contract assigning the prize payment or payments is signed.

(i) A contract assigning a prize payment or payments under this section and entered into before July 1, 2014, is unenforceable and invalid.

As added by P.L.198-2014, SEC.3.

IC 4-30-11-3

Persons less than 18 years of age

Sec. 3. A prize may not be paid to a person who is less than eighteen (18) years of age unless the winning ticket was lawfully purchased and made a gift to the minor. In that case the commission shall direct the payment to an adult member of the minor's family or the legal guardian of the minor as custodian for the minor. The person named as guardian has the same powers and duties as prescribed for a guardian under Indiana guardianship law.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-11-4

Invalid tickets

Sec. 4. A prize may not be paid if it arises from tickets that are determined to be:

(1) stolen, counterfeit, altered, fraudulent, unissued, produced or issued in error, or unreadable;

(2) not received or not recorded by the commission's applicable deadlines;

(3) lacking in captions that confirm and agree with the lottery play symbols that are appropriate to the lottery game involved; or

(4) not in compliance with any additional specific rules and public or confidential validation and security tests of the commission applicable to the particular lottery game involved.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-11-5

More than one claimant entitled to prize

Sec. 5. A particular prize in a lottery game may not be paid more than once. If there is a binding determination that more than one (1) claimant is entitled to a prize, the sole remedy of these claimants is the award to each of them of an equal share in the prize.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-11-6

Maximum payment allowed by retailers

Sec. 6. For the convenience of the public, retailers may be authorized to pay winners an amount not to exceed five hundred ninety-nine dollars ($599) after performing validation procedures on

their premises that are required by the commission for the lottery game involved.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-11-7
Deadlines for claiming prizes

Sec. 7. Holders of lottery tickets are entitled to claim prizes for one hundred eighty (180) days after the drawing or at the end of the lottery game play in which the prize was won. If a valid claim is not made for a prize within the applicable period, the prize is considered an unclaimed prize for purposes of section 9 of this chapter.
As added by P.L.341-1989(ss), SEC.1. Amended by P.L.108-2009, SEC.1.

IC 4-30-11-8
Tickets purchased or sold in violation of article

Sec. 8. A prize may not be paid on a ticket that is purchased or sold in violation of this article or to a person who is prohibited from purchasing a lottery ticket under this article. Such a prize is considered an unclaimed prize for purposes of section 9 of this chapter.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-11-9
Unclaimed prize money

Sec. 9. All unclaimed prize money shall be added to the pool from which future prizes are to be awarded or used for special prize promotions.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-11-10
Discharge of commission liability

Sec. 10. The commission is discharged of all liability upon payment of prize payments, including prize payments that have been assigned under section 2.5 of this chapter.
As added by P.L.341-1989(ss), SEC.1. Amended by P.L.198-2014, SEC.4; P.L.5-2015, SEC.8.

IC 4-30-11-11
Prize winners with outstanding debt to state agency, on tax warrant list, or owing past due child support; offset

Sec. 11. (a) As used in this section, "debt" means an obligation that is evidenced by an assessment or lien issued by a state agency, a judgment, or a final order of an administrative agency.

(b) The treasurer of state, the department of state revenue, the department of administration, the Indiana department of transportation, the attorney general, the department of child services, and the courts shall identify to the commission, in the form and

format prescribed by the commission and approved by the auditor of state, a person who:

(1) owes an outstanding debt to a state agency;

(2) is on the department of state revenue's most recent tax warrant list; or

(3) owes past due child support collected and paid to a recipient through a court.

(c) Before the payment of a prize of more than five hundred ninety-nine dollars ($599) to a claimant identified under subsection (b), the commission shall deduct the amount of the obligation from the prize money and transmit the deducted amount to the auditor of state. The commission shall pay the balance of the prize money to the prize winner after deduction of the obligation. If a prize winner owes multiple obligations subject to offset under this section and the prize is insufficient to cover all obligations, the amount of the prize shall be applied as follows:

(1) First, to the child support obligations past due and owed by the prize winner that are collected and paid to a recipient through a court.

(2) Second, to judgments owed by the prize winner.

(3) Third, to tax liens owed by the prize winner.

(4) Fourth, to unsecured debts owed by the prize winner to a state agency.

Within each of the categories described in subdivisions (1) through (4), the amount and priority of the prize shall be applied in the manner that the auditor of state determines to be appropriate. The commission shall reimburse the auditor of state pursuant to an agreement under IC 4-30-15-5 for the expenses incurred by the auditor of state in carrying out the duties required by this section.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.7; P.L.108-2009, SEC.2; P.L.172-2011, SEC.8; P.L.198-2014, SEC.5.

IC 4-30-12

Chapter 12. Unlawful Purchase of Lottery Tickets

IC 4-30-12-1

Person less than 18 years of age; gift

Sec. 1. A person who is less than eighteen (18) years of age may not purchase a lottery ticket. However, this does not prohibit the purchase of a lottery ticket for the purpose of making a gift to a minor.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-12-2

Member or employee of commission; relative living in the same household

Sec. 2. A member or employee of the commission or a relative living in the same household with a member or employee of the commission may not purchase a lottery ticket.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-12-3

Officer or employee of contracting vendor; relative living in the same household

Sec. 3. An officer or employee of a vendor that:

(1) is providing major procurement goods or services to the commission; or

(2) has executed a contract for a major procurement;

or a relative living in the same household with an officer or employee of the vendor may not purchase a lottery ticket.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.8.

IC 4-30-12-4

Retailer or employee of retailer; relative living in the same household

Sec. 4. A retailer or employee of the retailer or a relative living in the same household with a retailer or employee of the retailer may not purchase a lottery ticket at the premises where the retailer is authorized to sell tickets.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-12-5

Violation; misdemeanor

Sec. 5. A person who violates this chapter commits a Class A misdemeanor.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-13

Chapter 13. Unlawful Sale of Lottery Tickets

IC 4-30-13-1

Violation; misdemeanor

Sec. 1. A person who knowingly:

(1) sells a lottery ticket and is not authorized by the commission or this article to engage in such a sale;

(2) sells a lottery ticket to a minor; or

(3) sells a lottery ticket at a price other than that established by the commission;

commits a Class A misdemeanor.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-14

Chapter 14. Other Prohibited Acts

IC 4-30-14-1

Extension of credit or loan of money to purchaser

Sec. 1. A retailer who extends credit or lends money to a person for the purchase of a lottery ticket commits a Class C misdemeanor.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-14-2

Violations; Class A misdemeanor

Sec. 2. A person who:

(1) induces another person to assign or transfer a right to claim a prize;

(2) offers for sale the right to claim a prize; or

(3) offers for compensation to claim the prize of another person;

commits a Class A misdemeanor.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-14-3

Violations; Level 5 felony

Sec. 3. A person who:

(1) knowingly presents a counterfeit or altered lottery ticket;

(2) knowingly transfers a counterfeit or altered lottery ticket to another to present for payment; or

(3) with intent to defraud, falsely makes, alters, forges, passes, or counterfeits a lottery ticket;

commits a Level 5 felony.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.158-2013, SEC.63.

IC 4-30-14-4

Disclosure of confidential information relating to the lottery; Level 2 felony

Sec. 4. A person who, with intent to defraud or with intent to provide a financial or other advantage to the person or another person, knowingly discloses information relating to the lottery that is designated as confidential under this article commits a Level 2 felony.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.158-2013, SEC.64.

IC 4-30-14-5

Misrepresentation; Class A misdemeanor

Sec. 5. A person who uses point-of-sale material issued by the commission or otherwise represents that the person is a retailer without being under contract with the commission to act as a retailer commits a Class A misdemeanor.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-14-6
Unauthorized use of term "Indiana state lottery" or similar term; Class A misdemeanor

Sec. 6. A person who, without being authorized by the commission in writing, uses the term "Indiana lottery", "state lottery", or "Indiana state lottery" or a similar term in reference to an enterprise other than a lottery conducted under this article commits a Class A misdemeanor.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-14-7
Corporate name; use of word "lottery"

Sec. 7. The corporate name of a corporation may not contain the word "lottery" unless the commission approves the name in writing.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-15

Chapter 15. Administrative Trust Fund

IC 4-30-15-1

Creation

Sec. 1. There is created an administrative trust fund to be administered by the commission in accordance with this article. All money received by the commission shall be deposited into the fund. All money in the fund is continually appropriated to the commission for the purposes specified in this article.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-15-2

Investment of funds

Sec. 2. Money in the administrative trust fund that the commission anticipates will be available for the payment of prizes on a deferred basis may be invested by the treasurer of state in annuities sold by an insurance company licensed to do business in Indiana and with an A.M. Best rating of A+, or a comparable rating by a comparable rating agency, or in direct United States treasury obligations. These instruments may have varying maturities with respect to payment of prizes and may be in book-entry form. If an annuity is purchased to cover the payment of a prize, the commission shall administer the annuity, may assign the annuity to the prize winner, and shall provide the treasurer of state with documentation of the commission's purchase and assignment. If an annuity is assigned to a prize winner, the state and the commission, including the commission's officers and employees, are relieved of any liability to the prize winner.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.9.

IC 4-30-15-3

Action by treasurer of state

Sec. 3. An action required by this article to be taken by the treasurer of state shall be taken within two (2) business days after the commission requests the action. If the request for action is not approved or rejected within the two (2) day period, the request is considered approved. The commission shall reimburse the treasurer of state for any additional costs involved in providing the level of service required by this section.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-15-4

Cooperation with treasurer of state and auditor of state; access to facilities

Sec. 4. The commission shall cooperate with the treasurer of state and the auditor of state by giving employees designated by the treasurer and auditor access to facilities of the commission for the

purpose of efficient compliance with the treasurer's and auditor's respective responsibilities.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-15-5
Reimbursement of state agency

Sec. 5. With respect to any reimbursement that the commission is required to pay to a state agency, the commission may enter into an agreement with the state agency under which the commission pays to the state agency an amount reasonably anticipated to cover reimbursable expenses in advance of these expenses being incurred.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-16

Chapter 16. Allocation of Revenues and Expenditure of Funds

IC 4-30-16-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to section 3 of this chapter by P.L.33-1990 apply to vehicles registered after December 31, 1990.

As added by P.L.220-2011, SEC.49.

IC 4-30-16-1

Administrative trust fund; uses

Sec. 1. The money in the administrative trust fund shall be used for the following:

(1) To pay prizes.

(2) To pay the expenses for the operation of the lottery, including setting aside an amount determined by the commission to be necessary for the cash flow needs of the commission. These expenses include all costs incurred in the operation and administration of the lottery and all costs resulting from any contracts entered into for the purchase or lease of goods and services required by the lottery, including the following:

(A) The compensation paid to retailers.

(B) The costs of supplies, materials, tickets, independent audit services, independent studies, data transmission, advertising, promotion, incentives, public relations, communications, security, bonding for retailers, printing, distribution of tickets, and reimbursing other governmental entities for services provided to the lottery.

(C) The costs of any other goods and services necessary for carrying out this article.

(3) To make transfers of the revenue remaining after making the payments necessary under subdivisions (1) and (2) (referred to as "surplus revenue" in this article) to the treasurer of state for deposit as provided in this chapter.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.10.

IC 4-30-16-3

Administrative trust fund; transfer of surplus revenue

Sec. 3. (a) The commission shall transfer the surplus revenue in the administrative trust fund as follows:

(1) Before the last business day of January, April, July, and October, the commission shall transfer to the treasurer of state, for deposit in the Indiana state teachers' retirement fund (IC 5-10.4-2), seven million five hundred thousand dollars ($7,500,000). Notwithstanding any other law, including any appropriations law resulting from a budget bill (as defined in

IC 4-12-1-2), the money transferred under this subdivision shall be set aside in the pension stabilization fund (IC 5-10.4-2-5) to be used as a credit against the unfunded accrued liability of the pre-1996 account (as defined in IC 5-10.4-1-12) of the Indiana state teachers' retirement fund. The money transferred is in addition to the appropriation needed to pay benefits for the state fiscal year.

(2) Before the last business day of January, April, July, and October, the commission shall transfer seven million five hundred thousand dollars ($7,500,000) of the surplus revenue to the treasurer of state for deposit in the pension relief fund (IC 5-10.3-11).

(3) The surplus revenue remaining in the fund on the last day of January, April, July, and October after the transfers under subdivisions (1) and (2) shall be transferred by the commission to the treasurer of state for deposit on that day in the build Indiana fund.

(b) The commission may make transfers to the treasurer of state more frequently than required by subsection (a). However, the number of transfers does not affect the amount that is required to be transferred for the purposes listed in subsection (a)(1) and (a)(2). Any amount transferred during the month in excess of the amount required to be transferred for the purposes listed in subsection (a)(1) and (a)(2) shall be transferred to the build Indiana fund.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.32-1990, SEC.11; P.L.33-1990, SEC.1; P.L.240-1991(ss2), SEC.44; P.L.25-1995, SEC.3; P.L.273-1999, SEC.49; P.L.224-2003, SEC.41; P.L.246-2005, SEC.45; P.L.2-2006, SEC.7; P.L.146-2008, SEC.16.

IC 4-30-17

Chapter 17. Build Indiana Fund

IC 4-30-17-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to this chapter by P.L.33-1990 apply as follows:

(1) The amendments made to section 10 of this chapter and to sections 1, 4, 5, 7, 8, and 9 of this chapter (before their repeal) apply to vehicles registered after December 31, 1990.

(2) The addition of section 3.5 of this chapter and section 7.5 of this chapter (repealed) applies to vehicles registered after December 31, 1990.

As added by P.L.220-2011, SEC.50.

IC 4-30-17-1

Repealed

(As added by P.L.341-1989(ss), SEC.1. Amended by P.L.33-1990, SEC.2. Repealed by P.L.186-2002, SEC.14.)

IC 4-30-17-2

Definitions

Sec. 2. As used in this chapter, "eligible recipient" means the following:

(1) Any political subdivision (as defined in IC 36-1-2-13).

(2) A volunteer fire department (as defined in IC 36-8-12-2) or another group recognized by a political subdivision (as defined in IC 36-1-2-13) as a group providing firefighting or other emergency services to the area served by the political subdivision, the majority of members of which receive no compensation or nominal compensation for their services.

(3) A corporation, community chest, community fund, or community foundation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(4) The state.

(5) A state educational institution.

(6) Any body corporate and politic that serves as an instrumentality of the state.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.186-2002, SEC.1; P.L.2-2007, SEC.63.

IC 4-30-17-3

Establishment; purpose; administration; investment of funds

Sec. 3. There is established the build Indiana fund to receive deposits of surplus lottery revenues collected under this article. The fund shall be administered by the treasurer of state. The treasurer of state shall invest the money in the fund that is not needed to meet the obligations of the fund in the same manner as other public funds are

invested. Money in the fund at the end of a state fiscal year does not revert to the state general fund.
As added by P.L.341-1989(ss), SEC.1.

IC 4-30-17-3.3
Build Indiana fund account; build Indiana fund; references; applications for funds

Sec. 3.3. (a) As used in this section, "build Indiana fund account" means any of the following accounts in the build Indiana fund established by section 3 of this chapter:

(1) The state and local projects account.
(2) The lottery and gaming surplus account.
(3) The job creation and economic development account.

(b) As used in this section, "capital project" has the meaning set forth in section 4.1 of this chapter, as amended by P.L.186-2002.

(c) As used in this section, "eligible recipient" has the meaning set forth in section 2 of this chapter, as amended by P.L.186-2002.

(d) Any reference to a build Indiana fund account in a law, agreement, or other document that was created before March 28, 2002, shall be treated on and after March 28, 2002, as a reference to the build Indiana fund.

(e) If an eligible recipient submitted an application to the state for funding from the build Indiana fund before March 28, 2002, and the budget agency has available to it the information necessary to process the application, the budget agency shall use the information to process the application without requiring resubmission of the information on any particular form or in a different format.
As added by P.L.220-2011, SEC.51.

IC 4-30-17-3.5
Transfer of revenue

Sec. 3.5. (a) Before the twenty-fifth day of the month, the auditor of state shall transfer from the build Indiana fund to the state general fund motor vehicle excise tax replacement account nineteen million six hundred eighty-four thousand three hundred seventy dollars ($19,684,370) per month.

(b) This subsection applies only if insufficient money is available in the build Indiana fund to make the distributions to the state general fund motor vehicle excise tax replacement account that are required under subsection (a). Before the twenty-fifth day of each month, the auditor of state shall transfer from the state general fund to the state general fund motor vehicle excise tax replacement account the difference between:

(1) the amount that subsection (a) requires the auditor of state to distribute from the build Indiana fund to the state general fund motor vehicle excise tax replacement account; and
(2) the amount that is available for distribution from the build Indiana fund to the state general fund motor vehicle excise tax

replacement account.

The transfers required under this subsection are annually appropriated from the state general fund.

As added by P.L.33-1990, SEC.3. Amended by P.L.25-1995, SEC.4; P.L.260-1997(ss), SEC.39; P.L.186-2002, SEC.2.

IC 4-30-17-4
Repealed

(Repealed by P.L.1-1991, SEC.22.)

IC 4-30-17-4.1
Use of funds; state and local capital projects

Sec. 4.1. (a) Money credited to the build Indiana fund, after making the disbursements required under section 3.5 of this chapter, may be used only for:

(1) state or local capital projects that are managed or carried out by an eligible recipient; or

(2) deposit in a revolving loan fund for capital projects.

(b) An expenditure of money from the build Indiana fund for a state or local capital project must be certified by the budget agency to the budget committee under section 4.5 of this chapter before the project may be reviewed and approved under section 10 of this chapter.

(c) As used in this chapter, "capital project" refers to a capital project to which the general assembly has appropriated money from the build Indiana fund by project name, name of an eligible recipient, or other description of the capital project. The term includes:

(1) the construction of airports, airport facilities, and local street and road projects;

(2) an airport development project that is eligible for a grant or loan under IC 8-21-11; and

(3) any other:

(A) acquisition of land;

(B) site improvements;

(C) infrastructure improvements;

(D) construction of buildings or structures;

(E) rehabilitation, renovation, or enlargement of buildings or structures; or

(F) acquisition or improvement of machinery, equipment, furnishings, or facilities;

(or any combination of these), that comprises or is functionally related to an activity that serves a governmental, a recreational, a cultural, a community, a health, a charitable, a scientific, a public safety, a literary, or an educational purpose, fosters amateur sports competition, or fosters prevention of cruelty to children.

(d) As used in this chapter, "state project" refers to a capital project that is managed or carried out by an eligible recipient

described in section 2(4) through 2(6) of this chapter.

(e) As used in this chapter, "local project" refers to a capital project that is managed or carried out by an eligible recipient described in section 2(1) through 2(3) of this chapter.

(f) In appropriating money from the build Indiana fund for state and local capital projects, the general assembly shall, to the extent practicable, allocate money:

(1) equally among legislative districts for the house of representatives; and

(2) equally among legislative districts for the senate;

without regard to the political affiliation of the member of the general assembly representing the legislative district or the voting preferences of the legislative district.

(g) In reviewing and approving projects under section 10 of this chapter, the budget committee and the governor shall carry out a program under which, to the extent that projects otherwise qualify for funding, money for projects is disbursed:

(1) equally among legislative districts for the house of representatives; and

(2) equally among legislative districts for the senate;

without regard to the political affiliation of the member of the general assembly representing the legislative district or the voting preferences of the legislative district.

As added by P.L.1-1991, SEC.23. Amended by P.L.25-1995, SEC.5; P.L.186-2002, SEC.3.

IC 4-30-17-4.5

Project statement

Sec. 4.5. (a) To receive funding for a state or local capital project, an eligible recipient must provide the budget agency with a project statement on a form prescribed under subsection (b).

(b) The budget agency shall prescribe a project statement form for its use in certifying eligible recipients under this section. The form must require the entity submitting the project statement to provide the following information:

(1) The name, mailing address, federal tax identification number, and state tax identification number of the eligible recipient.

(2) The legal status of the eligible recipient, including whether the eligible recipient is a governmental entity, a state educational institution, a volunteer fire department, or an entity exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code.

(3) The full name, title, address, and telephone number of the individual who will serve as the contact person for the project and a description of any contractual relationship that the person has with the eligible recipient, if the person is not a member or an employee of the eligible recipient.

(4) A list of the full name and address of any individual who is associated with the eligible recipient and who serves as a presiding officer of a governing board, a managing partner, an officer, or an office manager of the eligible recipient.
(5) The name and a description of the project.
(6) The street or other physical address where the project will be located when completed.
(7) A statement of the need for the project.
(8) An estimate of the total project cost.
(9) The current status of the project, including the percentage of completion at the time the project statement is submitted, for which funding is requested.
(10) The anticipated completion date for the project.
(11) The amounts of funding previously appropriated or received from the build Indiana fund, including information concerning any funds not spent at the time the project statement is submitted.
(12) An itemization of all other governmental and private sources of funds for the particular project.
(13) The name, position, and telephone number of a contact person associated with any funding source identified under subdivision (12).
(14) The financial institution where all funds received under this chapter will be deposited.
(15) The name, position, and telephone number of a contact person employed by the financial institution listed under subdivision (14).
(16) Any additional or alternative information required by the budget agency.

(c) The budget agency shall review each project statement submitted under this section. If the budget agency determines that:
(1) the project statement is complete;
(2) the recipient qualifies as an eligible recipient; and
(3) an appropriation applies to the eligible recipient and project;
the budget agency shall certify to the budget committee that the eligible recipient and capital project have complied with this section and provide a copy of the project statement to the budget committee.
As added by P.L.186-2002, SEC.4.

IC 4-30-17-5
Repealed
(As added by P.L.341-1989(ss), SEC.1. Amended by P.L.33-1990, SEC.5. Repealed by P.L.186-2002, SEC.14.)

IC 4-30-17-6
Repealed
(As added by P.L.341-1989(ss), SEC.1. Repealed by P.L.186-2002, SEC.14.)

IC 4-30-17-7
Repealed
(As added by P.L.341-1989(ss), SEC.1. Amended by P.L.33-1990, SEC.6. Repealed by P.L.186-2002, SEC.14.)

IC 4-30-17-7.5
Repealed
(As added by P.L.33-1990, SEC.7. Repealed by P.L.186-2002, SEC.14.)

IC 4-30-17-8
Repealed
(As added by P.L.341-1989(ss), SEC.1. Amended by P.L.33-1990, SEC.8. Repealed by P.L.186-2002, SEC.14.)

IC 4-30-17-9
Repealed
(As added by P.L.341-1989(ss), SEC.1. Amended by P.L.33-1990, SEC.9. Repealed by P.L.186-2002, SEC.14.)

IC 4-30-17-10
Use of money appropriated for capital projects; prior review and approval of project
Sec. 10. Money appropriated from the build Indiana fund may not be expended on a state or local capital project or transferred to a revolving fund for capital projects until the state or local capital project or transfer is reviewed by the budget committee and approved by the governor upon the recommendation of the budget agency.
As added by P.L.341-1989(ss), SEC.1. Amended by P.L.33-1990, SEC.10; P.L.25-1995, SEC.6; P.L.186-2002, SEC.5.

IC 4-30-17-11
Grant agreement
Sec. 11. (a) Each eligible recipient that is approved to receive money from the build Indiana fund under section 10 of this chapter must, as a condition of receiving money from the build Indiana fund, enter into a funding agreement with the budget agency.
(b) The agreement required under subsection (a) must obligate the eligible recipient to do the following:
(1) Complete the project in conformity with the information in the project statement reviewed and approved under section 10 of this chapter and any subsequent agreements reviewed by the budget committee and approved by the governor, upon recommendation of the budget agency.
(2) Acknowledge, on a form prescribed by the budget agency, the receipt and deposit of money received from the build Indiana fund. The written acknowledgment must include proof

that the funds have been deposited in the financial institution listed in the documents described in subdivision (1) and must be submitted to the budget agency within ten (10) business days after receipt of the money.

(3) Account for money received from the build Indiana fund in accordance with generally accepted accounting principles, the accounting guidelines established by the state board of accounts, or an alternative method of accounting approved by the state board of accounts.

(4) Be subject to the audit and the reporting requirements under IC 5-11-1 (state board of accounts), beginning with the year in which money from the build Indiana fund is received and ending with the year in which the project is completed.

(5) Upon request, provide for the contact person specified in the project statement or another person who is knowledgeable about the project to appear and give testimony to the budget committee concerning the project.

(6) Submit to the budget agency, on a form prescribed by the budget agency, verification of the completion of the project not later than ten (10) business days after the project is complete.

(7) If a project is not completed by the anticipated completion date specified in the documents described in subdivision (1), submit to the budget agency, on a form prescribed by the budget agency, information as to the reason the project is not complete and the revised completion date of the project. The form must be submitted before the anticipated completion date specified in the documents described in subdivision (1).

(8) Pay reasonable attorney's fees and other reasonable expenses incurred to enforce the provisions of the agreement described in subdivisions (1) through (7), collect reimbursement of project funds under subsection (d), or prosecute a violation of the agreement.

(c) The budget agency shall monitor compliance with the agreement required under subsection (a).

(d) In addition to any other remedy provided by law, if the eligible recipient fails to comply with a condition of the agreement required under subsection (a), the budget agency may, under the procedures set forth in IC 4-21.5, require the entity to repay all the funds distributed to the eligible recipient under this chapter. The budget agency shall give notice of the order under IC 4-21.5-3-4. Money repaid under this section shall be deposited in the build Indiana fund.

As added by P.L.186-2002, SEC.6. Amended by P.L.181-2015, SEC.4.

IC 4-30-17-12

Distribution of project funds; procedures

Sec. 12. (a) Upon compliance with this chapter, the appropriated amount for the state or local capital project shall be distributed to the

eligible recipient. Subject to the review and approval required under section 10 of this chapter, the authorized amount may be distributed as a lump sum distribution in the full amount of the appropriation or in a series of progress payments. Upon receipt of documentation showing that the eligible recipient has paid or is contractually obligated to pay an expenditure for a project, the appropriation may be distributed to the eligible recipient. Before making the initial distribution of money from the build Indiana fund for a state or local capital project, at least seven (7) days notice of the following shall be given to each member of the general assembly who represents the area that will be most benefited by the state or local capital project and each regular member of the budget committee (as determined under IC 4-12-1-3) who is affiliated with the same political party and serves in the same legislative chamber as a member of the general assembly who represents the area:

(1) A copy of the project statement for the project.

(2) The approximate date that the money will be distributed.

(b) Money distributed under this section must be distributed either by:

(1) means of an electronic funds transfer (as defined in IC 4-8.1-2-7); or

(2) delivery of a warrant of the auditor of state by certified mail.

As added by P.L.186-2002, SEC.7.

IC 4-30-17-13
Continuing appropriation

Sec. 13. There is annually appropriated to the budget agency a sufficient amount from the build Indiana fund for the budget agency to:

(1) carry out its responsibilities under this chapter; and

(2) notwithstanding IC 5-11-4-3, pay the expense of examination and investigation of accounts related to a state or local capital project.

As added by P.L.186-2002, SEC.8.

IC 4-30-18
Chapter 18. State Preemption; Exemption From Taxation

IC 4-30-18-1
Authorization of lottery

Sec. 1. This article does not authorize any lottery except the lottery operated by the commission under this article.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-18-2
State and local taxes

Sec. 2. Except as provided in IC 6-3-2, state and local taxes, regardless of their type, may not be imposed upon any prize paid or payable under this article or upon the sale of any lottery ticket under this article.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.192-2002(ss), SEC.5.

IC 4-30-18-3
Local government authority over operation of lottery

Sec. 3. Local governmental authority concerning all matters relating to the operation of a lottery are preempted by the state, and a county, municipality, or other political subdivision of the state may not enact an ordinance relating to the operation of the lottery authorized by this article. However, this section does not prohibit a political subdivision of the state from requiring a retailer to obtain an occupational license for any business unrelated to the sale of lottery tickets.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-18-4
Indiana or local law restricting or prohibiting possession, manufacture, transportation, distribution, advertising, or sale of lottery ticket; application

Sec. 4. An Indiana or local law providing a penalty for or disability, restriction, or prohibition against the possession, manufacture, transportation, distribution, advertising, or sale of a lottery ticket does not apply to the sale of lottery tickets under this article nor to the possession of a ticket issued by any other government operated lottery.

As added by P.L.341-1989(ss), SEC.1.

IC 4-30-19

Chapter 19. Annual Audit of Financial Records and Reports

IC 4-30-19-1

Authority to contract with a certified public accountant to perform financial audit

Sec. 1. The budget agency may contract with a certified public accountant for an annual financial audit of the commission. The certified public accountant may not have a significant financial interest, as determined by the commission, in a vendor or retailer with whom the commission is under contract. The certified public accountant shall present an audit report not later than seven (7) months after the end of each fiscal year and shall make recommendations to enhance the earning capability of the lottery and to improve the efficiency of commission operations. The certified public accountant shall perform a study and evaluation of internal accounting controls and shall express an opinion on the controls that were in effect during the audit period. The commission shall pay the cost of the annual financial audit.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.84-2005, SEC.1.

IC 4-30-19-2

State board of accounts audit; copies of audits and reports

Sec. 2. The state board of accounts shall audit the operations of the lottery and shall receive a copy of any independent financial audit and any security report prepared under this article. The commission shall pay the full costs of the audit required under this section.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.84-2005, SEC.2; P.L.181-2015, SEC.5.

IC 4-30-19-3

Submission of copies of audit

Sec. 3. A copy of an audit performed under this chapter shall be submitted to the director, the commission members, the budget agency, the governor, and, in an electronic format under IC 5-14-6, the executive director of the legislative services agency.

As added by P.L.341-1989(ss), SEC.1. Amended by P.L.28-2004, SEC.51.

IC 4-30-19-4.2

Revenue and expenditure reports

Sec. 4.2. In addition to the annual audit report required under section 1 of this chapter, the commission shall submit revenue and expenditure reports to the budget agency and each legislative member of the budget committee as requested from time to time.

As added by P.L.32-1990, SEC.12. Amended by P.L.84-2005, SEC.3.

IC 4-31

ARTICLE 31. PARI-MUTUEL WAGERING ON HORSE RACES

IC 4-31-1

Chapter 1. Purpose and Application

IC 4-31-1-1

Application

Sec. 1. This article does not apply to horse racing meetings at which pari-mutuel wagering is not permitted.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-1-2

Purpose

Sec. 2. The purpose of this article is to permit pari-mutuel wagering on horse races in Indiana and to ensure that pari-mutuel wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2
Chapter 2. Definitions

IC 4-31-2-1
Application of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-1.5
"Approved limited mobile gaming system"
Sec. 1.5. "Approved limited mobile gaming system" means a limited mobile gaming system approved by the commission under IC 4-31-7-10.
As added by P.L.229-2013, SEC.1.

IC 4-31-2-2
"Breakage"; "breaks"
Sec. 2. "Breakage" or "breaks" means the odd cents of all redistributions to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten (10).
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-2.2
"Bureau"
Sec. 2.2. "Bureau" refers to the child support bureau established by IC 31-25-3-1.
As added by P.L.23-1996, SEC.1. Amended by P.L.145-2006, SEC.6.

IC 4-31-2-3
"Chemist"
Sec. 3. "Chemist" means an official racing chemist designated by the commission.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-4
"Commission"
Sec. 4. "Commission" refers to the Indiana horse racing commission.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-5
"Commission veterinarian"
Sec. 5. "Commission veterinarian" means a veterinarian properly licensed in Indiana and designated as the commission veterinarian by the commission.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-5.5
"Delinquent"

Sec. 5.5. "Delinquent" means at least:

(1) two thousand dollars ($2,000); or

(2) three (3) months;

past due on payment of court ordered child support.

As added by P.L.23-1996, SEC.2.

IC 4-31-2-6
"Exotic wagering"

Sec. 6. "Exotic wagering" means a system of betting or wagering that:

(1) is separate and distinct from the win, place, and show pools; and

(2) is approved by the commission.

The term includes the daily double (and other wagers depending upon results of more than one (1) race), quinella, perfecta, and trifecta.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.2.

IC 4-31-2-7
"Foreign substances"

Sec. 7. "Foreign substances" means all substances except those that exist naturally in an untreated horse at normal physiological concentration, and includes all narcotics, stimulants, depressants, or other drugs or medications of any type.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-7.5
"Gambling game"

Sec. 7.5. "Gambling game" has the meaning set forth in IC 4-35-2-5.

As added by P.L.255-2015, SEC.2.

IC 4-31-2-8
"Hypodermic injection"

Sec. 8. "Hypodermic injection" means an injection into or under the skin or mucosa including intradermal injection, subcutaneous injection, submucosal injection, intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, and intraocular (intraconjunctival) injection.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-9
"License"

Sec. 9. "License" means a license issued by the commission under IC 4-31-6.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-9.5
"Licensed facility"

Sec. 9.5. "Licensed facility" refers to the following:

(1) A racetrack at which live horse racing is conducted in accordance with a permit issued by the commission under IC 4-31-5.

(2) A satellite facility licensed under IC 4-31-5.5.

As added by P.L.221-2013, SEC.1.

IC 4-31-2-10
"Licensee"

Sec. 10. "Licensee" means an individual who has received a license from the commission.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-10.1
"Outs"

Sec. 10.1. "Outs" means all pari-mutuel tickets unpresented or unclaimed as of sixty (60) days after the conclusion of the calendar year in which the ticket was purchased.

As added by P.L.24-1992, SEC.3.

IC 4-31-2-10.3
"Limited mobile gaming system"

Sec. 10.3. "Limited mobile gaming system" refers to a system that enables a permit holder to accept pari-mutuel horse racing wagers from patrons who are present at:

(1) a satellite facility; or

(2) a simulcast facility located at the permit holder's racetrack;

through the use of mobile gaming devices approved under this article.

As added by P.L.229-2013, SEC.2.

IC 4-31-2-10.4
"Mobile gaming device"

Sec. 10.4. "Mobile gaming device" means an electronic device, including software, that does the following:

(1) Displays information related to pari-mutuel horse racing.

(2) Enables a patron to place a wager on pari-mutuel horse racing from an approved location using money placed into a deposit account maintained under the rules of the commission.

As added by P.L.229-2013, SEC.3.

IC 4-31-2-10.5
"Live racing day"

Sec. 10.5. "Live racing day" means a day on which at least eight

(8) live horse races are conducted.
As added by P.L.233-2007, SEC.2.

IC 4-31-2-11
"Owner"
Sec. 11. "Owner" includes part owner or lessee, but an interest in the winnings of a horse does not of itself constitute ownership.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-12
"Pari-mutuel wagering"
Sec. 12. "Pari-mutuel wagering" means a system of wagering in which those persons who wager on horses that finish in specified positions share the total amount wagered, minus deductions permitted by law.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-13
"Permit"
Sec. 13. "Permit" means a permit issued by the commission under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-14
"Permit holder"
Sec. 14. "Permit holder" means a person that has received a permit from the commission.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-15
"Person"
Sec. 15. "Person" includes an individual, a corporation, a trust, a partnership, a limited liability company, a limited partnership, an association, a person, or other entity.
As added by P.L.341-1989(ss), SEC.2. Amended by P.L.8-1993, SEC.37.

IC 4-31-2-16
"Person required to have a license"
Sec. 16. "Person required to have a license" means an individual whose activities on a racetrack would require the person to be licensed.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-17
"Possession" or "in their possession"
Sec. 17. "Possession" or "in their possession" means:

(1) in, on, or about a licensee's person or a vehicle that the licensee owns, uses, or has access to; and

(2) the entire area assigned to and occupied or used by a licensee, including barns, stables, stalls, tack rooms, or feed rooms.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-17.5
"Promotional action"

Sec. 17.5. "Promotional action" means any action or expenditure of the commission for the purpose of developing the horse racing industry throughout Indiana, including the payment of any administrative costs incurred by the commission to promote the horse racing industry in Indiana.

As added by P.L.256-2015, SEC.1.

IC 4-31-2-18
"Race"

Sec. 18. "Race" means a contest of speed among horses:

(1) for a purse, stakes, premiums, wager of money, or for admission fees;

(2) on a course; and

(3) in the presence of a judge or judges.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-19
"Racing meeting"

Sec. 19. "Racing meeting" means the period of time for which permission to conduct horse racing has been granted to a permit holder by the commission.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-19.5
"Racing official"

Sec. 19.5. "Racing official" refers to either of the following:

(1) An individual employed by a permit holder during a racing meeting whose employment must be reported to the commission under IC 4-31-5-5 or the rules of the commission.

(2) An individual who:

(A) is employed as an assistant to an individual described in subdivision (1); and

(B) performs duties integral to the conduct of pari-mutuel horse racing.

As added by P.L.221-2013, SEC.2.

IC 4-31-2-20
"Recognized meeting"

Sec. 20. "Recognized meeting" means a horse racing meeting

conducting pari-mutuel wagering for which a permit has been issued by the commission or by the racing authority of another state or foreign country.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-20.5
"Satellite facility"
Sec. 20.5. "Satellite facility" means a location, other than a racetrack, authorized by the commission at which pari-mutuel wagering is conducted on horse racing conducted at distant locations and viewable by televised simulcasting.
As added by P.L.24-1992, SEC.4.

IC 4-31-2-20.6
"Simulcast"
Sec. 20.6. "Simulcast" means the communication by electronic device of a race at a recognized meeting and information related to the race, including:
(1) a personal computer or other device which enables communication over the Internet;
(2) a private network;
(3) an interactive video display or television;
(4) a wireless communication technology; or
(5) an interactive computer service (as defined in IC 35-45-5-1(g)).
As added by P.L.212-2016, SEC.1.

IC 4-31-2-20.7
"Slot machine"
Sec. 20.7. "Slot machine" refers to a type of electronic gaming device approved by the Indiana gaming commission for wagering under IC 4-35.
As added by P.L.233-2007, SEC.3.

IC 4-31-2-21
"State testing barn"
Sec. 21. "State testing barn" means the facility provided by each racetrack and approved by the commission as the location where all horses designated for testing shall be taken by the trainer or the trainer's representative immediately following a race so that necessary blood or urine samples may be obtained from the horse.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-22
Repealed
(As added by P.L.341-1989(ss), SEC.2. Repealed by P.L.34-2006, SEC.3.)

IC 4-31-2-23
"Test sample"

Sec. 23. "Test sample" means a body substance taken from a horse for the purpose of analysis, under the supervision of the commission or state veterinarian and in the manner prescribed by the commission.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-24
"Veterinarian"

Sec. 24. "Veterinarian" means a veterinary practitioner who is:
(1) licensed to practice in Indiana; and
(2) authorized by the holder of a permit to practice at a racetrack.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-2-25
"Winterized track"

Sec. 25. "Winterized track" means a track with:
(1) an enclosed clubhouse and grandstand;
(2) an all-weather racing track;
(3) heated facilities for jockeys or drivers;
(4) backstretch facilities that are properly prepared for winter racing; and
(5) adequate snow removal equipment.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-3

Chapter 3. Indiana Horse Racing Commission

IC 4-31-3-0.3

Indiana standardbred board of regulation; transfer of records, property, liabilities to commission; rules

Sec. 0.3. (a) On July 1, 1999, all records, property, and liabilities of the Indiana standardbred board of regulation are transferred to the Indiana horse racing commission.

(b) The rules adopted by the Indiana standardbred board of regulations before July 1, 1999, are considered, after June 30, 1999, rules of the Indiana horse racing commission.

As added by P.L.220-2011, SEC.52.

IC 4-31-3-1

Establishment

Sec. 1. (a) The Indiana horse racing commission is established. The commission consists of five (5) members appointed by the governor. The members of the commission:

(1) must be registered voters;

(2) must have resided in Indiana for at least five (5) years preceding their appointment;

(3) may not be state employees; and

(4) may not have a direct or indirect interest in a firm, association, or corporation that:

(A) is licensed by the commission; or

(B) participates in pari-mutuel meetings in any manner.

(b) No more than three (3) members of the commission may be affiliated with the same political party.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.8-1993, SEC.38.

IC 4-31-3-2

Terms of office of members

Sec. 2. (a) Except as provided in subsection (d), the term of office of a member of the commission is four (4) years.

(b) If a vacancy occurs on the commission, the governor shall appoint a new member to serve for the remainder of the unexpired term.

(c) A member of the commission may not serve more than two (2) consecutive terms. However, this limitation does not apply to part of an unexpired term served under subsection (b) or to terms of three (3) years or less required under subsection (d).

(d) In order to stagger the terms of office of the members of the commission, the terms of office that begin in 1997 must be as follows:

(1) One (1) member shall be appointed for a term of one (1) year.

(2) One (1) member shall be appointed for a term of two (2) years.
(3) One (1) member shall be appointed for a term of three (3) years.
(4) Two (2) members shall each be appointed for a term of four (4) years.

Thereafter, all members shall be appointed for terms of four (4) years.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.50-1995, SEC.1.

IC 4-31-3-3
Chairman

Sec. 3. The governor shall designate a member of the commission to serve as chairman.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-3-4
Quorum

Sec. 4. (a) Three (3) commission members constitute a quorum. Three (3) affirmative votes are required for the commission to take an action.

(b) A vacancy on the commission does not affect the ability of the remaining members to exercise all the powers of the commission.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-3-5
Salary; reimbursement of expenses

Sec. 5. (a) Each member of the commission is entitled to the minimum salary per diem for each day the member is engaged in official business.

(b) The minimum salary per diem that each member of the commission is entitled to receive equals the maximum daily amount allowed to employees of the executive branch of the federal government for subsistence expenses while away from home in travel status in Indianapolis.

(c) Each member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.256-2015, SEC.2.

IC 4-31-3-6
Surety bond

Sec. 6. Each member of the commission shall execute a surety bond in the penal sum of ten thousand dollars ($10,000). To the

extent a member of the commission is already covered by a bond required by state law, the member need not obtain another bond as long as the bond required by state law is at least equal to the penal sum specified in this section and covers the member's activities for the commission. Instead of a bond, the chairman of the commission may execute a blanket surety bond covering each member and the employees or other officers of the commission. Each surety bond must be conditioned upon the faithful performance of the duties of the office of the member and shall be issued by a surety company authorized to transact business in Indiana. At all times after the issuance of a surety bond, each member shall maintain the surety bond in full force and effect. All costs of the surety bonds shall be paid by the commission.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-3-7
Removal of member; notice; hearing

Sec. 7. The governor may remove a member of the commission for malfeasance, misfeasance, willful neglect of duty, or other cause. Before removing a member, the governor must give the member notice and a public hearing, unless the member expressly waives the notice and hearing in writing.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-3-8
Duties

Sec. 8. The commission shall:

(1) prescribe the rules and conditions under which horse racing at a recognized meeting may be conducted;

(2) initiate safeguards as necessary to account for the amount of money wagered at each track or satellite facility in each wagering pool;

(3) require all permit holders to provide a photographic or videotape recording, approved by the commission, of the entire running of all races conducted by the permit holder;

(4) make annual reports concerning:

(A) the promotional actions taken and promotional initiatives established by the commission to promote the Indiana horse racing industry, including:

(i) a listing of the commission's promotional actions and promotional initiatives; and

(ii) an accounting of the money spent on each promotional action and promotional initiative;

(B) the competitive status of the Indiana horse racing industry as compared to the horse racing industries of other states and measured by purse, handle, and any other factors determined by the commission;

(C) the commission's operations; and

(D) the commission's recommendations;

to the governor and, in an electronic format under IC 5-14-6, to the general assembly;

(5) carry out the provisions of IC 15-19-2, after considering recommendations received from the Indiana standardbred advisory board under IC 15-19-2;

(6) develop internal procedures for accepting, recording, investigating, and resolving complaints from licensees and the general public;

(7) promote the Indiana horse racing industry, including its simulcast product; and

(8) annually post the following information on the commission's Internet web site:

(A) A summary of the disciplinary actions taken by the commission in the preceding calendar year.

(B) A summary of the complaints received and resolved in the preceding calendar year.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.5; P.L.15-1999, SEC.1; P.L.28-2004, SEC.52; P.L.2-2008, SEC.18; P.L.210-2013, SEC.1; P.L.256-2015, SEC.3.

IC 4-31-3-9

Powers

Sec. 9. (a) Subject to section 14 of this chapter, the commission may:

(1) adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this article, including rules that prescribe:

(A) the forms of wagering that are permitted;

(B) the number of races;

(C) the procedures for wagering;

(D) the wagering information to be provided to the public;

(E) fees for the issuance and renewal of:

(i) permits under IC 4-31-5;

(ii) satellite facility licenses under IC 4-31-5.5; and

(iii) licenses for racetrack personnel and racing participants under IC 4-31-6;

(F) investigative fees;

(G) fines and penalties; and

(H) any other regulation that the commission determines is in the public interest in the conduct of recognized meetings and wagering on horse racing in Indiana;

(2) appoint employees and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13;

(3) enter into contracts necessary to implement this article; and

(4) receive and consider recommendations from a development advisory committee established under IC 4-31-11.

(b) An emergency rule adopted by the commission under

subsection (a) expires on the earlier of the following dates:

(1) The expiration date stated in the emergency rule.

(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under IC 4-22-2-37.1.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.6; P.L.182-2009(ss), SEC.57; P.L.6-2012, SEC.19; P.L.140-2013, SEC.3.

IC 4-31-3-10
Director and assistant director

Sec. 10. (a) The commission shall appoint a director and an assistant director who serve at the pleasure of the commission. The director and the assistant director must have a background in the horse industry, a high level of management skills, and previous experience with pari-mutuel horse betting administration.

(b) The director and the assistant director shall:

(1) attend all meetings of the commission;

(2) keep a complete record of the commission's proceedings;

(3) preserve at the commission's office all documents entrusted to the commission's care; and

(4) perform other duties the commission prescribes.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.50-1995, SEC.2.

IC 4-31-3-11
Racing inspectors

Sec. 11. (a) The commission shall employ or contract for racing inspectors to attend each recognized meeting held under a permit issued under this article. Each racing inspector shall file with the secretary of state a bond:

(1) in the sum of five thousand dollars ($5,000);

(2) with sufficient sureties; and

(3) approved by and made payable to the treasurer of state.

(b) A permit holder shall give each racing inspector full and free access to the books, records, and papers pertaining to the pari-mutuel system of wagering and to the enclosure or space where the pari-mutuel system is conducted, for the purpose of ascertaining whether the permit holder is retaining the proper amount of commission. The racing inspector shall investigate and ascertain whether this article or rules adopted by the commission are being violated at the racetrack or enclosure. The racing inspector shall immediately report a violation in writing and under oath to the commission.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-3-11.5
Judges and stewards

Sec. 11.5. The commission shall employ or contract for judges and stewards to attend each recognized meeting held under a permit issued under this article. The permit holder shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the judges and stewards who serve at the permit holder's racetrack.
As added by P.L.24-1992, SEC.7.

IC 4-31-3-12
Public employees' retirement fund

Sec. 12. Employees of the commission are members of the public employees' retirement fund. Persons who provide services for the commission under contractual agreements are not members of the public employees' retirement fund.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-3-13
Enforcement powers of the director of security; summons issued by executive director or director of security

Sec. 13. (a) The commission shall employ a director of security who is qualified by training and experience in law enforcement or security to supervise, direct, coordinate, and administer the security activities of the commission.

(b) The director of security may do the following:

(1) Investigate licensees of the commission, including applicants for licenses, necessary to ensure the security and integrity of pari-mutuel racing.

(2) Investigate an alleged violation of this article or a rule adopted by the commission.

(3) Enter a permit holder's premises for the performance of the director's lawful duties.

(4) Conduct searches authorized by IC 4-31-13-4.

(5) Perform other duties the commission prescribes.

(c) The executive director or the director of security may issue a summons to any licensee who is alleged to have violated this article, the rules of the commission, or an order of the commission. The summons must set forth substantially the nature of the alleged violation and command the licensee to appear before the commission at a stated time and place. However, the stated time for a hearing held under this subsection must be at least thirty (30) days after the issuance of the summons.
As added by P.L.50-1995, SEC.3. Amended by P.L.210-2013, SEC.2.

IC 4-31-3-14
Prohibition of fee for proposed transfer of ownership

Sec. 14. The commission may not do the following:

(1) Impose, charge, or collect by rule a fee that is not authorized by this article on any party to a proposed transfer of an

ownership interest in a permit issued under IC 4-31-5.

(2) Make the commission's approval of a proposed transfer of an ownership interest in a permit issued under IC 4-31-5 contingent upon the payment of any amount that is not authorized by this article.

As added by P.L.182-2009(ss), SEC.58.

IC 4-31-4

Chapter 4. Local Approval of Pari-Mutuel Wagering

IC 4-31-4-1

Adoption of county ordinance; permit

Sec. 1. A person may not conduct or assist in conducting a horse racing meeting in which the pari-mutuel system of wagering is permitted unless:

(1) the county fiscal body of the county in which the races are to be conducted has adopted an ordinance under section 2 of this chapter; and

(2) the person secures a permit under IC 4-31-5.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-4-1.3

Satellite facility license; adoption of ordinance

Sec. 1.3. (a) This section does not apply to a person who satisfies all of the following:

(1) The person was issued a satellite facility license before January 2, 1996.

(2) The person operated a satellite facility before January 2, 1996.

(3) The person is currently operating the satellite facility under the license.

(b) A person may not operate under a satellite facility license unless both of the following apply:

(1) The county fiscal body of the county in which the satellite facility will be operated has adopted an ordinance under section 2.5 of this chapter.

(2) The person secures a license under IC 4-31-5.5.

As added by P.L.24-1996, SEC.1.

IC 4-31-4-1.5

Voter approval of pari-mutuel wagering at horse racing meetings or satellite facilities; when required

Sec. 1.5. (a) This section applies only if a local public question is required under section 2, 2.5, or 2.7 of this chapter.

(b) This section does not apply to either of the following:

(1) A permit holder who satisfies all of the following:

(A) The permit holder was issued a permit before January 2, 1996.

(B) The permit holder conducted live racing before January 2, 1996.

(C) The permit holder is currently operating under the permit.

(2) A person who satisfies all of the following:

(A) The person was issued a satellite facility license before January 2, 1996.

(B) The person operated a satellite facility before January 2, 1996.

(C) The person is currently operating the satellite facility under the license.

(c) In addition to the requirements of section 1 of this chapter, a person may not conduct or assist in conducting a horse racing meeting in which the pari-mutuel system of wagering is permitted unless the voters of the county in which the races are to be conducted have approved conducting a horse racing meeting using the pari-mutuel system of wagering in the county.

(d) In addition to the requirements of section 1.3 of this chapter, a person may not operate under a satellite facility license unless the voters of the county in which the satellite facility will be operated have approved the operation of a satellite facility in the county.

As added by P.L.24-1996, SEC.2.

IC 4-31-4-2

Pari-mutuel wagering at horse racing meetings; adoption or amendment of ordinance; procedure

Sec. 2. (a) A county fiscal body may adopt an ordinance permitting the filing of applications under IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks in the county. However, before adopting the ordinance, the county fiscal body must:

(1) conduct a public hearing on the proposed ordinance; and

(2) publish notice of the public hearing in the manner prescribed by IC 5-3-1.

(b) The county fiscal body may:

(1) require in the ordinance adopted by the county fiscal body that before applications under IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks in the county may be filed, the voters of the county must approve the conducting of horse racing meetings in the county under section 3 of this chapter; or

(2) amend an ordinance already adopted by the county fiscal body to require that before applications under IC 4-31-5 to conduct pari-mutuel wagering on horse races at racetracks in the county may be filed, the voters of the county must approve the conducting of horse racing meetings in the county under section 3 of this chapter.

An ordinance adopted under this section may not be amended to apply to a person who has already been issued a permit under IC 4-31-5 before amendment of the ordinance.

(c) An ordinance adopted under this section authorizing a person to conduct pari-mutuel wagering on horse races at racetracks in the county may not be adopted or amended in a manner that restricts a person's ability to conduct gambling games under IC 4-35.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1996,

SEC.3; P.L.233-2007, SEC.4.

IC 4-31-4-2.5

Satellite facility; adoption or amendment of ordinance; procedure

Sec. 2.5. (a) A county fiscal body may adopt an ordinance permitting the filing of applications under IC 4-31-5.5 for operation of a satellite facility in the county. However, before adopting the ordinance, the county fiscal body must:

(1) conduct a public hearing on the proposed ordinance; and

(2) publish notice of the public hearing in the manner prescribed by IC 5-3-1.

(b) The county fiscal body may:

(1) require in the ordinance adopted by the county fiscal body that before applications under IC 4-31-5.5 to operate a satellite facility in the county may be filed, the voters of the county must approve the operation of a satellite facility in the county under section 3 of this chapter; or

(2) amend an ordinance already adopted in the county to require that before applications under IC 4-31-5.5 to operate a satellite facility in the county may be filed, the voters of the county must approve the operation of a satellite facility in the county under section 3 of this chapter.

An ordinance adopted under this section may not be amended to apply to a person who was issued a license under IC 4-31-5.5 before the ordinance was amended.

As added by P.L.24-1996, SEC.4.

IC 4-31-4-2.7

Recognized meeting permit or satellite facility license for use on public property; voter approval

Sec. 2.7. (a) This section does not apply to either of the following:

(1) A permit holder who satisfies all of the following:

(A) The permit holder was issued a permit before January 2, 1996.

(B) The permit holder conducted live racing before January 2, 1996.

(C) The permit holder is currently operating under the permit.

(2) A person who satisfies all of the following:

(A) The person was issued a satellite facility license before January 2, 1996.

(B) The person operated a satellite facility before January 2, 1996.

(C) The person is currently operating the satellite facility under the license.

(b) This section applies only if either of the following apply:

(1) The recognized meeting permit is for conducting a horse racing meeting on public property.

(2) The satellite facility license is for operating a satellite facility on public property.

(c) As used in this section, "public property" refers to real property owned by, or not more than two (2) years before issuance of the permit or license any interest in which is transferred by, any of the following:

(1) The federal government.

(2) The state.

(3) A political subdivision (as defined in IC 36-1-2-13).

(4) An agency or instrumentality of an entity described in subdivision (1), (2), or (3).

(d) Notwithstanding any other provision of this article, the commission may not do either of the following:

(1) Issue a recognized meeting permit under IC 4-31-5 to allow the conducting of or the assisting of the conducting of a horse racing meeting unless the voters of the county in which the public property is located have approved the conducting of recognized meetings in the county.

(2) Issue a satellite facility license under IC 4-31-5.5 unless the voters of the county in which the public property is located have approved the operation of a satellite facility in the county.

As added by P.L.24-1996, SEC.5.

IC 4-31-4-3

Issuance of recognized meeting permit or satellite facility license; voter approval; ballot form; certification of election results; second and subsequent public questions

Sec. 3. (a) This section does not apply to either of the following:

(1) A permit holder who satisfies all of the following:

(A) The permit holder was issued a permit before January 2, 1996.

(B) The permit holder conducted live racing before January 2, 1996.

(C) The permit holder is currently operating under the permit.

(2) A person who satisfies all of the following:

(A) The person was issued a satellite facility license before January 2, 1996.

(B) The person operated a satellite facility before January 2, 1996.

(C) The person is currently operating the satellite facility under the license.

(b) This section applies if either of the following apply:

(1) Both of the following are satisfied:

(A) An ordinance is adopted under section 2 or 2.5 of this chapter.

(B) The ordinance requires the voters of the county to approve either of the following:

(i) The conducting of horse racing meetings in the county.

(ii) The operation of a satellite facility in the county.

(2) A local public question is required to be held under section 2.7 of this chapter following the filing of a petition with the circuit court clerk:

(A) signed by at least the number of registered voters of the county required under IC 3-8-6-3 to place a candidate on the ballot; and

(B) requesting that the local public question set forth in subsection (d) be placed on the ballot.

(c) Notwithstanding any other provision of this article, the commission may not issue a recognized meeting permit under IC 4-31-5 to allow the conducting of or the assisting of the conducting of a horse racing meeting unless the voters of the county in which the property is located have approved conducting recognized meetings in the county.

(d) For a local public question required to be held under subsection (c), the county election board shall place the following question on the ballot in the county during the next general election:

"Shall horse racing meetings at which pari-mutuel wagering occurs be allowed in _____ County?".

(e) Notwithstanding any other provision of this article, the commission may not issue a satellite facility license under IC 4-31-5.5 to operate a satellite facility unless the voters of the county in which the satellite facility will be located approve the operation of the satellite facility in the county.

(f) For a local public question required to be held under subsection (e), the county election board shall place the following question on the ballot in the county during the next general election:

"Shall satellite facilities at which pari-mutuel wagering occurs be allowed in _____ County?".

(g) A public question under this section must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(h) The circuit court clerk of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(i) If a public question is placed on the ballot under subsection (d) or (f) in a county and the voters of the county do not vote in favor of the public question, a second public question under that subsection may not be held in the county for at least two (2) years. If the voters of the county vote to reject the public question a second time, a third or subsequent public question under that subsection may not be held in the county until the general election held during the tenth year following the year of the previous public question held under that subsection.

As added by P.L.24-1996, SEC.6. Amended by P.L.3-1997, SEC.413.

IC 4-31-5
Chapter 5. Permits to Conduct Recognized Meetings

IC 4-31-5-1
Recognized meeting permit; issuance limitations

Sec. 1. (a) A person may not conduct, assist, or aid or abet in conducting a horse racing meeting in which the pari-mutuel system of wagering is permitted unless that person secures a recognized meeting permit under this chapter.

(b) The commission may not issue a recognized meeting permit for:

(1) an activity other than horse racing meetings; or

(2) horse racing meetings conducted at:

(A) the state fairgrounds during a state fair; or

(B) a county fairgrounds.

However, subdivision (2) does not prohibit the commission from issuing a recognized meeting permit for races to be conducted at the state fairgrounds at times when a fair is not in session.

(c) The commission may not issue more than two (2) recognized meeting permits under this chapter.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.8; P.L.233-2007, SEC.5.

IC 4-31-5-2
Application for permit

Sec. 2. (a) An application for renewal of an existing recognized meeting permit must be filed with the commission no later than November 1 of the year preceding the year in which the horse racing meeting is to be conducted. The timing for filing an initial application for a recognized meeting permit shall be established by the rules of the commission.

(b) The commission shall prescribe the forms to be used in making an application under this section. The application must include the following:

(1) The full name of the person making the application.

(2) If the applicant is an association, the names and addresses of the members of the association.

(3) If the applicant is a corporation, the name of the state in which it is incorporated, the location of its principal place of business, and the names and addresses of its directors and stockholders.

(4) If the applicant is a trust, the location of its principal place of business and the names and addresses of its trustees and beneficiaries.

(5) If the applicant is a partnership, the names and addresses of the partners.

(6) If the applicant is a limited partnership, the names, addresses, and percentages of ownership of each general partner

and each limited partner.

(7) If the applicant is a limited liability company, the name of the state where it is organized, the location of its principal place of business, and the names and addresses of the managers and members.

(8) The dates on which the applicant intends to conduct horse racing meetings, which must be successive days (including Sundays) unless otherwise authorized by the commission. The applicant may submit a written statement setting forth the reasons certain dates are sought.

(9) The proposed hours of each racing day.

(10) The location of the place, track, or enclosure where the applicant proposes to conduct horse racing meetings.

(11) A statement of whether the racing plant is owned or leased by the applicant.

(12) A statement of whether the racing plant will include a facility, either physically connected to the clubhouse or in close proximity, that will:

(A) display for public inspection trophies, memorabilia, and instructional material depicting the history of horse racing; and

(B) be made available as a repository for the collections of the Indiana Harness Horse Hall of Fame.

(13) Any other information that the commission requires.

(c) An application under this section must be signed and verified as follows:

(1) An application by an individual must be signed and verified under oath by that individual.

(2) An application by two (2) or more individuals or by a partnership must be signed and verified under oath by one (1) of those individuals or by a member of the partnership.

(3) An application by an association, a trust, or a corporation must be:

(A) signed by its president and vice president;

(B) attested by its secretary; and

(C) verified under oath.

(4) An application by a limited liability company, must be signed and verified under oath by two (2) managers or members of the limited liability company.

(d) At the time an application is filed, the applicant must:

(1) pay a permit fee and an investigation fee for an initial permit application as required by the rules of the commission;

(2) file a cash bond, certified check, or bank draft in the manner provided by section 4 of this chapter; and

(3) file a copy of an ordinance adopted under IC 4-31-4.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.9; P.L.8-1993, SEC.39.

IC 4-31-5-3
Repealed
(Repealed by P.L.24-1992, SEC.64.)

IC 4-31-5-4
Repealed
(Repealed by P.L.24-1992, SEC.64.)

IC 4-31-5-5
List of personnel to be employed
Sec. 5. Each applicant for a recognized meeting permit must file with the commission a list of the personnel to be employed during the racing meeting. The list must include the names of the:
(1) identifier;
(2) starters;
(3) racing secretary;
(4) handicapper;
(5) clerk of the course;
(6) paddock judge;
(7) patrol judges;
(8) track veterinarian;
(9) track physician;
(10) mutuel manager;
(11) director of security; and
(12) other positions designated by the rules of the commission;
that the applicant proposes to employ during the racing meeting. The applicant must promptly report any changes in the personnel on the list to the commission for its approval.
As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.10.

IC 4-31-5-6
Filing requirements
Sec. 6. (a) The commission may not issue a recognized meeting permit unless the applicant has filed with the commission:
(1) a financial statement prepared and certified by a certified public accountant in accordance with sound accounting practices, showing the net worth of the applicant;
(2) a statement from the department of state revenue and the treasurer of state that there are no pari-mutuel taxes or other obligations owed by the applicant to the state or any of its departments or agencies;
(3) a statement from the county treasurer of the county in which the applicant proposes to conduct horse racing meetings that there are no real or personal property taxes owed by any of the principals seeking the permit; and
(4) a statement of obligations that are owed or being contested, including salaries, purses, entry fees, laboratory fees, and debts

owed to vendors and suppliers.

(b) In addition to the requirements of subsection (a), the commission may not issue a recognized meeting permit for a recognized meeting to occur in a county unless IC 4-31-4 has been satisfied.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.11; P.L.24-1996, SEC.7.

IC 4-31-5-6.5

Bonds

Sec. 6.5. At least sixty (60) days before the commencement of a horse racing meeting, a permit holder shall post a bond in an amount not to exceed one million dollars ($1,000,000), as determined by the commission. The bond, which is subject to the approval of the commission, must be payable to the commission as obligee for use in payment of the applicant's financial obligations to the commission or the state and other aggrieved parties, as determined by the rules of the commission.

As added by P.L.24-1992, SEC.12.

IC 4-31-5-7

Racing plant leased by applicant; filing of copy of current lease; disclosure of information

Sec. 7. (a) If the racing plant is leased by the applicant, the owner of the racing plant must file a copy of the current lease with the application unless a copy is already on file with the commission.

(b) If the racing plant is leased by the applicant, the owner of the racing plant must provide the following to the commission at the time the application is filed:

(1) A current financial statement showing assets and liabilities.

(2) Its latest operating statement showing income and expenses related to the racing plant.

(3) A list of the names, addresses, and occupations of all of its officers, directors, owners, shareholders, or partners. However, in the case of a corporation whose stock is publicly traded, this information is required only for the corporation's officers and directors and for those stockholders owning or controlling five percent (5%) or more of the stock of the corporation.

(4) Any other information requested by the commission.

(c) If another business entity owns or controls five percent (5%) or more of the stock of a corporation or five percent (5%) or more of the capital or profits of a partnership that files the information required by subsection (a) or (b), the other business entity is required to file the same information.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.13.

IC 4-31-5-8

Decision by commission on permit application; issuance or denial

Sec. 8. (a) Except as provided in subsection (c), the commission may issue or deny a permit to an applicant to conduct a horse racing meeting after the proper filing of:

(1) an application for a permit; and

(2) the other information required by this chapter.

The commission shall meet as soon as practicable after the filing of the application and other information for the purpose of acting on the application.

(b) The commission may deny a permit to:

(1) any applicant if denial of the permit is in the public interest;

(2) a permit holder that has defaulted in payments to the public or an employee, a vendor, a supplier, an owner, or a trainer; or

(3) the purchaser of a track from a permit holder described in subdivision (2) if defaults at that track have not been satisfied by either the seller or the purchaser.

(c) The commission shall deny a permit to:

(1) a permit holder that has defaulted in payments to the state;

(2) the purchaser of a track from a permit holder described in subdivision (1), if defaults at that track have not been satisfied by either the seller or the purchaser; or

(3) a person, an association, a trust, a limited liability company, or a corporation that owns, or has one (1) or more members or stockholders who own, an interest in any other permit issued by the commission in the same year for any other racetrack in Indiana, unless the commission finds that it is in the best interests of the:

(A) Indiana horse racing industry; and

(B) state;

to issue a permit to that person, association, trust, limited liability company, or corporation.

(d) The commission may not issue a permit that would allow pari-mutuel racing to be conducted at the same hour at two (2) or more locations in the same county or adjacent counties.

(e) A permit issued under this section is valid from January 1 to December 31 of the year for which it is issued. An application must be made for a renewal of a permit.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.14; P.L.8-1993, SEC.40; P.L.14-2011, SEC.1.

IC 4-31-5-9

Dates and number of racing days

Sec. 9. (a) The commission shall determine the dates and (if the commission adopts a rule under subsection (c)) the number of racing days authorized under each recognized meeting permit. Except for racing at winterized tracks, a recognized meeting may not be conducted after December 10 of a calendar year.

(b) Except as provided in subsection (c), the commission shall

require at least two hundred eighty (280) but not more than three hundred thirty (330) total live racing days each calendar year combined at both racetracks, as follows:

(1) At least one hundred sixty (160) but not more than one hundred eighty (180) live racing days must be for standardbreds to race at Hoosier Park.

(2) At least one hundred twenty (120) but not more than one hundred fifty (150) live racing days must be for horses that are:

(A) mounted by jockeys; and

(B) run on a course without jumps or obstacles;

to race at Indiana Grand.

The requirements of this subsection are a continuing condition for maintaining the permit holder's permit. However, the requirements do not apply if the commission determines that the permit holder is prevented from conducting live horse racing as a result of a natural disaster or another event over which the permit holder has no control.

(c) The commission may by rule adjust any of the following:

(1) The total required number of live racing days under subsection (b).

(2) The number of live racing days required under subsection (b)(1).

(3) The number of live racing days required under subsection (b)(2).

(d) A permit holder may not conduct more than fourteen (14) races on a particular racing day.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.233-2007, SEC.6; P.L.256-2015, SEC.4.

IC 4-31-5-10

Commission permission for permit holder actions

Sec. 10. Upon receipt of an application from a recognized meeting permit holder, the commission may grant permission for:

(1) more than nine (9) races each day;

(2) race cards lost because of inclement weather or other emergencies, to be made up at the rate of one (1) race each day or on additional dates as granted by the commission; or

(3) use of an approved limited mobile gaming system.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.229-2013, SEC.4.

IC 4-31-5-10.5

Variance of racing days

Sec. 10.5. Upon a petition filed by a permit holder, the commission may increase or decrease the number of racing days previously granted by the commission to that permit holder for a racing meeting.

As added by P.L.24-1992, SEC.15.

IC 4-31-5-11
Scheduling one or more races on each racing day

Sec. 11. The commission may require each permit holder to schedule one (1) or more races on each racing day:

(1) solely for Indiana owned horses;
(2) solely for Indiana sired horses;
(3) solely for Indiana bred horses; or
(4) for a combination of Indiana owned horses, Indiana sired horses, and Indiana bred horses.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-5-12
Permit; contents

Sec. 12. A permit issued under this chapter must:

(1) state the name of the permit holder;
(2) specify the place where the horse racing meeting is to be conducted;
(3) specify the types of racing that are permitted;
(4) specify the days on which the permit holder may conduct races, subject to section 9 of this chapter;
(5) specify the hours during which the permit holder may conduct races;
(6) specify the number of races to be conducted daily, which may not exceed nine (9), except as provided in section 10 of this chapter; and
(7) state that the permit is granted upon the condition that the permit holder agrees to observe and enforce this article and the rules and orders issued by the commission.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.16.

IC 4-31-5-13
Transfer of permits

Sec. 13. A permit issued under this chapter is not transferable and applies only to the racetrack specified in the permit.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-5-14
Posting of permits

Sec. 14. A permit holder shall post the permit in a prominent place in the permit holder's principal office at the racetrack during the horse racing meeting. The permit holder shall show the permit to a person requesting to see it at a reasonable time.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-5-15
Deposit of fees and penalties

Sec. 15. Any fees or penalties collected by the commission under

IC 4-31-3-9(1)(E) through IC 4-31-3-9(1)(G) shall be paid into the state general fund.
As added by P.L.24-1992, SEC.17.

IC 4-31-5.5

Chapter 5.5. Satellite Facilities

IC 4-31-5.5-1

Legislative intent

Sec. 1. In enacting this chapter, it is the intent of the general assembly to do the following:

(1) Promote and encourage the development of the horse racing industry in Indiana.

(2) Provide for the establishment of satellite facilities that do not solely provide for wagering, but instead include amenities such as quality restaurants and quality handicapping facilities, so that all or part of the satellite facility will resemble the clubhouse facilities of a racetrack.

(3) Offer the potential for the additional creation of jobs, not only in the racing and wagering industry, but also in areas of employment such as parking attendants, waiters and waitresses, security guards, custodial workers, and food service personnel.

As added by P.L.24-1992, SEC.18.

IC 4-31-5.5-2

Licenses

Sec. 2. A permit holder or group of permit holders may apply to the commission for a satellite facility license. The commission may issue a satellite facility license to a permit holder or group of permit holders that meets the intent and the requirements of this chapter and the rules adopted by the commission to operate satellite facilities.

As added by P.L.24-1992, SEC.18.

IC 4-31-5.5-3

Licensing conditions

Sec. 3. (a) As used in this section, "live racing day" means a day on which at least eight (8) live horse races are conducted.

(b) The commission's authority to issue satellite facility licenses is subject to the following conditions:

(1) Except as provided in subsection (c), the commission may issue four (4) satellite facility licenses to each permit holder that meets the other requirements of this chapter and the rules adopted under this chapter.

(2) Each proposed satellite facility must be covered by a separate application. The timing for filing an initial application for a satellite facility license shall be established by the rules of the commission.

(3) A satellite facility must:

(A) have full dining service available;

(B) have multiple screens to enable each patron to view simulcast races; and

(C) be designed to seat comfortably a minimum of two

hundred (200) persons.

(4) In determining whether a proposed satellite facility should be approved, the commission shall consider the following:

(A) The purposes and provisions of this chapter.

(B) The public interest.

(C) The impact of the proposed satellite facility on live racing.

(D) The impact of the proposed satellite facility on the local community.

(E) The potential for job creation.

(F) The quality of the physical facilities and the services to be provided at the proposed satellite facility.

(G) Any other factors that the commission considers important or relevant to its decision.

(5) The commission may not issue a license for a satellite facility to be located in a county unless IC 4-31-4 has been satisfied.

(c) A permit holder licensed to conduct gambling games under IC 4-35 is limited to the number of satellite facility licenses issued to the permit holder before January 1, 2007.

As added by P.L.24-1992, SEC.18. Amended by P.L.24-1996, SEC.8; P.L.233-2007, SEC.7.

IC 4-31-5.5-4

License application statements

Sec. 4. A permit holder or group of permit holders that applies for a satellite facility license must submit to the commission a satellite facility statement in a form prescribed by the commission. This form must include the following information:

(1) The estimated number of full-time and part-time jobs to be created at the proposed satellite facility.

(2) The population of the municipality, if any, in which the proposed satellite facility is to be located.

(3) The proximity of the proposed satellite facility to any other satellite facility or racetrack that conducts pari-mutuel wagering under this article.

(4) The type of seating to be provided, including areas in the proposed satellite facility where patrons may handicap races.

(5) The total seating capacity of the proposed satellite facility.

(6) The size and number of toilet facilities in the proposed satellite facility.

(7) The availability of food and beverages at the proposed satellite facility, including the number of tables and chairs, kitchen facilities, and concession stands.

(8) The number of parking spaces available at the proposed satellite facility.

(9) A description of the general demeanor of the proposed satellite facility, including lighting, decor, and plans for the

exterior of the facility.

(10) The number of betting windows and stand-alone terminals to be provided at the proposed satellite facility.

(11) A description of the heating and air conditioning units, smoke removal equipment, and other climate control devices at the proposed satellite facility.

(12) The total square footage of the proposed satellite facility.

(13) Any other information required by the commission.

As added by P.L.24-1992, SEC.18.

IC 4-31-5.5-5

Annual renewals

Sec. 5. An application for renewal of a satellite facility license must be made annually.

As added by P.L.24-1992, SEC.18.

IC 4-31-5.5-6

Wagering and related activities

Sec. 6. (a) A permit holder or group of permit holders that is authorized to operate satellite facilities may accept and transmit pari-mutuel wagers on horse racing at those facilities and may engage in all activities necessary to establish and operate appropriate satellite wagering facilities, including the following:

(1) Live simulcasts of horse racing conducted at the permit holder's racetrack or at other racetracks. However, a satellite facility operated by a permit holder may not simulcast races conducted in other states on any day that is not a live racing day (as defined in section 3 of this chapter) unless the satellite facility also simulcasts all available races conducted in Indiana on that day.

(2) Construction or leasing of satellite wagering facilities.

(3) Sale of food and beverages.

(4) Advertising and promotion.

(5) All other related activities.

(b) A permit holder authorized to operate a satellite facility may use an approved limited mobile gaming system to accept pari-mutuel wagers on horse racing at the satellite facility in accordance with IC 4-31-7-10.

As added by P.L.24-1992, SEC.18. Amended by P.L.229-2013, SEC.5.

IC 4-31-6

Chapter 6. Licensing of Racetrack Personnel and Racing Participants

IC 4-31-6-1

Application

Sec. 1. (a) This section does not apply to:

(1) law enforcement officers; or

(2) reporters or other media employees assigned to cover events at a racetrack.

(b) A person must be a licensee in order to:

(1) participate in racing at a racetrack or at a satellite facility that permits the pari-mutuel form of wagering; or

(2) work in any capacity for a permit holder or an employee or a subcontractor of a permit holder.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.50-1995, SEC.4.

IC 4-31-6-2

Procedures for license applications; license fees; adoption of rules

Sec. 2. The commission shall adopt rules under IC 4-22-2 establishing:

(1) procedures for license applications; and

(2) license fees.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-6-3

License fees; disbursement

Sec. 3. License fees collected by the commission shall be paid into the state general fund.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-6-4

Validity of license

Sec. 4. Unless revoked by the commission, each license is valid for one (1) year, beginning on January 1 of the year in which it is issued.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-6-5

Age of applicant; restrictions

Sec. 5. (a) Except as provided in subsection (b), the commission may not grant a license to an applicant who is less than sixteen (16) years of age.

(b) The commission may grant the following:

(1) A horse owner's license to an applicant of any age.

(2) A license other than a horse owner's license to an applicant less than sixteen (16) years of age who is working on a permit

holder's premises for a parent or legal guardian. An application for a license under this subdivision must be signed by the applicant's parent or legal guardian in the presence of one (1) or more track judges.

(c) An application for a horse owner's license by a person less than eighteen (18) years of age must be accompanied by a notarized statement from the applicant's parent or guardian indicating that the parent or guardian assumes responsibility for meeting all financial, contractual, or other obligations relating to all racing activities of the applicant.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.50-1995, SEC.5.

IC 4-31-6-6

Conditions for refusal, revocation, or suspension of license

Sec. 6. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, if:

(1) the refusal, denial, revocation, suspension, or other penalty is in the public interest for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering; and

(2) any of the conditions listed in subsection (b) apply to the applicant or licensee.

(b) The conditions referred to in subsection (a) are as follows:

(1) The applicant or licensee has been convicted of a felony or misdemeanor that could compromise the integrity of racing by the applicant's or licensee's participation in racing.

(2) The applicant or licensee has had a license of the legally constituted racing authority of a state, province, or country denied, suspended, or revoked for cause within the preceding five (5) years.

(3) The applicant or licensee is presently under suspension for cause of a license by the legally constituted racing authority of a state, province, or country.

(4) The applicant or licensee has violated or attempted to violate a provision of this article, a rule adopted by the commission, or a law or rule with respect to horse racing in a jurisdiction.

(5) The applicant or licensee has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of horses or pari-mutuel wagering.

(6) The applicant or licensee has demonstrated financial irresponsibility by accumulating unpaid obligations, defaulting on obligations, or issuing drafts or checks that are dishonored or not paid.

(7) The applicant or licensee has made a material misrepresentation in an application for a license.

(8) The applicant or licensee has been convicted of a crime

involving bookmaking, touting, or similar pursuits or has consorted with a person convicted of such an offense.

(9) The applicant or licensee has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse.

(10) The applicant or licensee has engaged in conduct that is against the best interest of horse racing.

(11) The applicant or licensee has failed to comply with a written order or ruling of the commission or judges pertaining to a racing matter.

(12) The applicant or licensee has failed to answer correctly under oath, to the best of the applicant's or licensee's knowledge, all questions asked by the commission or its representatives pertaining to a racing matter.

(13) The applicant or licensee has failed to return to a permit holder any purse money, trophies, or awards paid in error or ordered redistributed by the commission.

(14) The applicant or licensee has had possession of an alcoholic beverage on a permit holder's premises, other than a beverage legally sold through the permit holder's concession operation.

(15) The applicant or licensee has interfered with or obstructed a member of the commission, a commission employee, or a racing official while performing official duties.

(16) The name of the applicant or licensee appears on the department of state revenue's most recent tax warrant list, and the person's tax warrant has not been satisfied.

(17) The applicant or licensee has pending criminal charges.

(18) The applicant or licensee has racing disciplinary charges pending in Indiana or another jurisdiction.

(19) The applicant or licensee is unqualified to perform the duties required under this article or the rules of the commission.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.19; P.L.50-1995, SEC.6; P.L.172-2011, SEC.9.

IC 4-31-6-6.5

Denial of license to persons owing support

Sec. 6.5. The commission shall deny:

(1) a license; or

(2) the renewal of a license;

issued under this chapter to a person who is the subject of an order issued by a court under IC 31-16-12-9 (or IC 31-1-11.5-13(l), IC 31-6-6.1-16(l), or IC 31-14-12-6 before their repeal).

As added by P.L.23-1996, SEC.3. Amended by P.L.1-1997, SEC.24; P.L.207-2013, SEC.1.

IC 4-31-6-7

Applicant for license to serve in capacity of judge; mental and physical qualifications

Sec. 7. In addition to the other requirements of this chapter, an applicant for a license to serve in the capacity of judge must satisfy the commission that the applicant possesses the necessary mental and physical qualifications, including:

(1) temperament;

(2) experience and knowledge of the horse racing industry and of the duties of racing officials; and

(3) other factors that the commission considers relevant.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-6-8

Fingerprints; submission by applicants

Sec. 8. (a) Applicants for a license issued by the commission shall submit their fingerprints to the commission once. Except as provided in subsection (d), the fingerprints shall be submitted as follows:

(1) The commission shall have fingerprints taken of an applicant for a license before approving the applicant for admission to the racing premises.

(2) Persons not appearing at the racing premises shall submit their fingerprints in the manner prescribed by the commission.

(b) Except as provided in subsection (d), fingerprints required by this section must be submitted on forms prescribed by the commission.

(c) The commission may forward to the Federal Bureau of Investigation or any other agency for processing all fingerprints submitted by license applicants. The commission shall maintain a file of fingerprints.

(d) The commission may accept the results of fingerprints taken within the preceding five (5) years and accepted by a racing body in another racing jurisdiction. The commission may require that acceptance of fingerprints under this subsection be dependent on the existence of a reciprocal agreement through which the state providing the fingerprints agrees to accept fingerprints from Indiana.

(e) The commission shall coordinate with the state police department for the storage of fingerprints submitted under this section.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.20; P.L.50-1995, SEC.7; P.L.113-2010, SEC.10.

IC 4-31-6-9

Issuance, denial, suspension, or revocation of license; construction with other laws

Sec. 9. Except as provided in sections 10 and 11 of this chapter, the issuance, denial, suspension, or revocation of a license under this chapter is subject to IC 4-21.5.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.23-1996, SEC.4.

IC 4-31-6-10

Suspension of license of person owing support; notice; reinstatement

Sec. 10. (a) Upon receiving an order of a court issued under IC 31-16-12-9 (or IC 31-1-11.5-13(l), IC 31-6-6.1-16(l), or IC 31-14-12-6 before their repeal), the commission shall:

(1) suspend a license issued under this chapter to any person who is the subject of the order; and

(2) promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(A) That the person's license is suspended beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate not earlier than ten (10) business days after the commission receives an order allowing reinstatement from the court that issued the suspension order.

(B) That the person has the right to petition for reinstatement of a license issued under this chapter to the court that issued the order for suspension.

(b) The commission shall not reinstate a license suspended under subsection (a) until the commission receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L.23-1996, SEC.5. Amended by P.L.1-1997, SEC.25; P.L.1-2002, SEC.12; P.L.207-2013, SEC.2.

IC 4-31-6-11

Duties of commission upon receipt of certain bureau orders; probationary status; appeal; reinstatement

Sec. 11. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h), the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the commission shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and

(C) request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(c), the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed, the commission shall suspend the person's license.

(d) The commission may not reinstate a license placed on probation or suspended under this section until the commission

receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

As added by P.L.23-1996, SEC.6. Amended by P.L.1-1997, SEC.26; P.L.145-2006, SEC.7; P.L.103-2007, SEC.1.

IC 4-31-7

Chapter 7. Pari-Mutuel Wagering

IC 4-31-7-1

Designated grounds, enclosures, and facilities

Sec. 1. (a) A person holding a permit to conduct a horse racing meeting or a license to operate a satellite facility may provide a place in the racing meeting grounds or enclosure or the satellite facility at which the person may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the horse races conducted or simulcast by the person. The person may not permit or use:

(1) another place other than that provided and designated by the person; or

(2) another method or system of betting or wagering.

However, a permit holder licensed to conduct gambling games under IC 4-35 may permit wagering on gambling games at a racetrack as permitted by IC 4-35.

(b) Except as provided in section 7 of this chapter and IC 4-31-5.5, the pari-mutuel system of wagering may not be conducted on any races except the races at the racetrack, grounds, or enclosure for which the person holds a permit.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.21; P.L.233-2007, SEC.8; P.L.255-2015, SEC.3; P.L.149-2016, SEC.11.

IC 4-31-7-2

Age restrictions

Sec. 2. (a) A person less than eighteen (18) years of age may not wager at a horse racing meeting.

(b) A person less than eighteen (18) years of age may not enter the grandstand, clubhouse, or similar areas of a racetrack at which wagering is permitted unless accompanied by a person who is at least twenty-one (21) years of age.

(c) A person less than eighteen (18) years of age may not enter a satellite facility.

(d) Except as provided by IC 4-35-7-2, a person less than twenty-one (21) years of age may not enter the area of a racetrack in which gambling games are conducted under IC 4-35.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.22; P.L.25-1996, SEC.1; P.L.233-2007, SEC.9.

IC 4-31-7-3

Equipment requirements

Sec. 3. (a) The following equipment must be provided and maintained in good working order at each permit holder's racetrack or satellite facility, as applicable:

(1) A totalizator for win, place, and show wagering. The totalizator must:

(A) be of a design approved by the commission;
(B) be capable of registering by automatic mechanical, electric, or electronic means on central aggregators all wagers made on each horse, entry, or the field in each of the win, place, and show pools;
(C) display the totals wagered in a manner that permits ready tabulation and recording of those totals by the commission's representative before they are cleared from the central aggregators; and
(D) display to the public on a board running totals of amounts wagered in each of the win, place, and show pools on each entry in each race.

(2) A telephone system connecting the judges' stand with the office of the pari-mutuel plant and any other stations considered necessary by the commission.
(3) A system of bells that shall be rung from the judges' stand to signal the close of wagering.
(4) A button in the judges' stand that, when pressed, will lock ticket-issuing machines and close wagering for each race.

(b) In addition to the requirements of subsection (a), a permit holder may conduct exotic wagering only by the use of automatic mechanical, electric, or electronic devices that:
(1) print and issue tickets evidencing individual wagers;
(2) locally print a permanent record of the tickets issued by each machine or register on central aggregators by automatic mechanical, electric, or electronic means the total dollar value of those tickets; and
(3) permit ready tabulation and recording of those figures by the commission's representative before they are cleared from the central aggregators.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.23.

IC 4-31-7-4
Computer system safeguards

Sec. 4. The commission may require safeguards on the performance of a permit holder's computer systems and may require the permit holder to install equipment that will provide a complete analysis of the functioning of those computer systems.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-7-5
Records of wagering

Sec. 5. (a) Each permit holder shall maintain complete records of all wagering so the commission may ascertain for any race:
(1) the opening line and subsequent odds fluctuations;
(2) the amount of wagers;
(3) at which window wagers were placed on a betting interest;

and

(4) any other information that the commission may require.

(b) A permit holder shall retain the records required by subsection (a) for at least one (1) year after the close of each horse racing meeting and may not destroy those records without the permission of the commission.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-7-6

Security officers

Sec. 6. At all racetracks where the wagering averages fifteen thousand dollars ($15,000) or more each day on which pari-mutuel wagering is conducted, the permit holder shall employ or engage the services of at least one (1) security officer in uniform to be on duty during racing hours and stationed in front of the mutuel department in close proximity to the information window.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.24.

IC 4-31-7-7

Televised simulcasts

Sec. 7. (a) As used in this section, "live racing day" means a day on which at least eight (8) live horse races are conducted.

(b) Upon request by a permit holder from time to time, the commission may authorize the permit holder to conduct pari-mutuel wagering at the permit holder's racetrack on televised simulcasts of horse races from other racetracks in Indiana or in other states or countries where horse racing and wagering are permitted by law. The commission may adopt rules regarding simulcasting. A permit holder that conducts at least one hundred twenty (120) live racing days annually may request an unlimited number of days of simulcasting per year. However, the requirement for one hundred twenty (120) live racing days does not apply if the commission determines that the permit holder is prevented from conducting live horse racing as a result of a natural disaster or other event over which the permit holder has no control. In addition, if the initial racing meeting conducted by a permit holder commences at such a time as to make it impractical to conduct one hundred twenty (120) live racing days during the permit holder's first year of operations, the commission may authorize the permit holder to conduct simulcast wagering during the first year of operations with fewer than one hundred twenty (120) live racing days. A permit holder that conducts fewer than one hundred twenty (120) live racing days annually may request permission to conduct simulcasting only during the hours on a racing day when racing is being conducted at the permit holder's racetrack. The televised simulcasts must comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. 3001 et seq.).

(c) A permit holder that conducts simulcasts on a day that is not

a live racing day may not simulcast races conducted in other states unless the permit holder also simulcasts all available races conducted in Indiana on that day.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.25.

IC 4-31-7-8

Interstate combined wagering pools

Sec. 8. (a) As used in this section, "host facility" means:

(1) the racetrack at which the horse race is run; or

(2) the facility that is designated as the host facility if the horse race is run in a jurisdiction that is not participating in the interstate combined wagering pool.

(b) As used in this section, "host jurisdiction" means the jurisdiction in which the host facility is located.

(c) As used in this section, "interstate combined wagering pool" means a pari-mutuel pool established in one (1) jurisdiction that is combined with comparable pari-mutuel pools from at least one (1) other horse racing jurisdiction.

(d) As used in this section, "racing jurisdiction" or "jurisdiction" means a governmental jurisdiction that is responsible for the regulation of pari-mutuel wagering in that jurisdiction and is a member of the Association of Racing Commissioners International.

(e) Notwithstanding any other law, the commission may authorize a permit holder to participate in an interstate combined wagering pool that is established for the purpose of establishing payoff prices in the various jurisdictions. When such a permit holder participates in an interstate combined wagering pool, the permit holder may adopt the take-out of the host jurisdiction or facility.

(f) The commission may approve types of wagering, distribution of winnings, and rules of racing for interstate combined wagering pools that are different from those that normally apply in Indiana.

(g) The commission may do the following:

(1) Allow a permit holder to use at least one (1) of the permit holder's races for an interstate combined wagering pool at locations outside the commission's jurisdiction.

(2) Allow pari-mutuel pools in other states to be combined with pari-mutuel pools in Indiana for the purpose of establishing an interstate combined wagering pool.

(h) A permit holder's participation in a combined interstate wagering pool does not cause that permit holder to be considered to be doing business in any jurisdiction other than the jurisdiction in which the permit holder is physically located.

(i) Pari-mutuel taxes or commissions may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered in Indiana.

(j) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes or rules of the host

jurisdiction and must be distributed among the participating jurisdictions in a manner agreed to among the jurisdictions.

(k) All wagers accepted by a satellite facility on races originating from a racetrack in Indiana shall be transmitted to the racetrack for inclusion in the racetrack's appropriate wagering pool for the purpose of calculating payoffs to bettors.

As added by P.L.24-1992, SEC.26.

IC 4-31-7-9

Persons prohibited from wagering

Sec. 9. (a) After December 31, 2013, the following individuals may not wager on horse racing at a licensed facility:

(1) A member of the commission.

(2) An employee of the commission.

(3) A racing official.

(4) The spouse of any individual listed in subdivisions (1) through (3).

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

As added by P.L.221-2013, SEC.3. Amended by P.L.210-2013, SEC.3.

IC 4-31-7-10

Approval of limited mobile gaming systems

Sec. 10. (a) A permit holder may request approval from the commission to use a limited mobile gaming system in the pari-mutuel wagering conducted at the following facilities operated by the permit holder:

(1) A satellite facility.

(2) A simulcast facility located at the permit holder's racetrack.

(b) The commission may approve the use of a limited mobile gaming system to allow a patron to wager on pari-mutuel horse racing while present in a facility described in subsection (a). A patron may not transmit a wager using a mobile gaming device while present in any other location.

As added by P.L.229-2013, SEC.6.

IC 4-31-8
Chapter 8. Miscellaneous Operating Procedures

IC 4-31-8-1
Rules governing horse racing

Sec. 1. All horse racing over which the commission has jurisdiction shall be conducted under rules adopted by the commission. A matter that is not provided for in the commission's rules shall be determined by the judges or by the commission.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-8-2
Camera to photograph each finish

Sec. 2. A permit holder shall provide a camera that shall be used to photograph each finish. If two (2) or more horses reach the finish post so closely aligned that it is difficult for the judges to determine the order of finish for any of the first four (4) positions, the negative or a positive print may be inspected and used to make a decision. A print or prints of the finish or the equivalent shall be posted for public inspection. However, in the event of mechanical difficulty or insufficient light for a picture to be taken, the judges shall make the final decision.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-8-3
Identification of horse; burden of proof

Sec. 3. A horse may not start in a race unless the horse is fully identified. The burden of proving a horse's identity rests with the person having charge of the horse at the horse racing meeting, and the judges may suspend and refer to the commission such a person in case of fraud or attempted fraud. The judges also may suspend and refer to the commission any other person who aids in the perpetration of a fraud or who participates in an attempt at fraud.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-8-4
Alcohol breath test; procedure; sanctions

Sec. 4. (a) A permit holder shall provide an alcohol breath-testing device that is approved by the commission and operated by a person certified to use such a device. All drivers, jockeys, judges, starters, assistant starters, and drivers of starting gates shall submit to a breath test at each racing program in which they participate. In addition, the secretary of the commission, a member of the commission, a commission investigator, the stewards, or the track chief of security may order a licensee to submit to a breath test at any time there is reason to believe the licensee may have consumed sufficient alcohol to cause the licensee to fail a breath test.

(b) A person whose breath test shows a reading of an alcohol

concentration equivalent (as defined in IC 9-13-2-2.4) to more than five-hundredths (0.05) gram of alcohol per two hundred ten (210) liters of the person's breath, is subject to the following sanctions:

(1) A driver or jockey may not be permitted to drive or ride and shall be suspended under the rules of the commission.

(2) A judge, a starter, an assistant starter, or a driver of the starting gate shall be relieved of all duties for that program, and a report shall be made to the commission for appropriate action.

(3) Any other licensee shall be suspended, beginning that day, under the rules of the commission.

(c) The stewards and judges shall, on behalf of the commission, impose the following sanctions against a licensee who refuses to submit to a breath test:

(1) For the first refusal, a civil penalty of one hundred dollars ($100) and a seven (7) day suspension.

(2) For a second refusal, a civil penalty of two hundred fifty dollars ($250) and a thirty (30) day suspension.

(3) For any additional refusals to submit to a breath test, a civil penalty of two hundred fifty dollars ($250), a sixty (60) day suspension, and referral of the case to the commission for any further action that the commission considers necessary.

(d) A sanction under subsection (c) may be appealed to the commission. An appeal stays the sanction until further action by the commission. The appeal must be heard by the commission within thirty (30) days after the date of the appeal.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.33-1997, SEC.1; P.L.1-2000, SEC.1.

IC 4-31-8-5

Inspection of racetrack premises; certification

Sec. 5. Each applicant for a permit shall, before the opening of the applicant's racing season, request an inspection of the racetrack premises and obtain a certificate from the division of fire and building safety stating that the premises are in compliance with all safety requirements.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.1-2006, SEC.85.

IC 4-31-8-6

"Horsemen's association" defined

Sec. 6. (a) As used in this section, "horsemen's association" means a corporation, a limited liability company, an organization, or an association that represents, through membership, more than one-half (1/2) of the aggregate of all owners and trainers who were licensed and actively participated in racing at a recognized meeting.

(b) A permit holder may contract with one (1) or more horsemen's association for the association to represent owners and trainers participating in a horse racing meeting conducted by the permit

holder.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.8-1993, SEC.41.

IC 4-31-9

Chapter 9. Taxation and Distribution of Pari-Mutuel Revenues

IC 4-31-9-1

Withholdings

Sec. 1. A person that holds a permit to conduct a horse racing meeting or a license to operate a satellite facility shall withhold:

(1) eighteen percent (18%) of the total of money wagered on each day at the racetrack or satellite facility (including money wagered on exotic wagering pools, but excluding money wagered on gambling games under IC 4-35); plus

(2) an additional three and one-half percent (3.5%) of the total of all money wagered on exotic wagering pools on each day at the racetrack or satellite facility.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.27; P.L.233-2007, SEC.10; P.L.255-2015, SEC.4.

IC 4-31-9-1.5

Retention from withholdings

Sec. 1.5. (a) Except as provided in subsection (b), a person that holds a permit to conduct a horse racing meeting or a permit holder licensed to operate a satellite facility shall retain the following amounts from the money withheld under section 1 of this chapter:

(1) For pari-mutuel wagers made at a permit holder's racetrack on live races, an amount equal to:

(A) eight percent (8%) of the total amount of money wagered on win, place, and show pools on each racing day; plus

(B) eleven and one-half percent (11.5%) of the total amount of money wagered on exotic wagering pools on each racing day.

(2) For pari-mutuel wagers made at a permit holder's satellite facility on simulcasts of races originating from the permit holder's racetrack, an amount equal to:

(A) ten percent (10%) of the total amount of money wagered on win, place, and show pools on each day; plus

(B) thirteen and one-half percent (13.5%) of the total amount of money wagered on exotic wagering pools on each day.

(3) On the simulcast of races, for the Indiana sending or Indiana receiving track or its satellite facilities, the amount to be retained, after deducting:

(A) pari-mutuel tax payments owed to Indiana; and

(B) the contractual obligations owed to the racetrack from which the races originated;

shall be determined, subject to the approval of the commission, by one (1) or more contracts between the applicable Indiana permit holders and the applicable horsemen's association.

(b) If requested in writing by a horsemen's association, the commission may reduce the amount that a permit holder must retain under subsection (a)(1), (a)(2), or (a)(3), or any combination of those subdivisions. The commission must find that reducing the amount retained by the permit holder is in the best interests of horse racing in Indiana before granting the horsemen's association's request.
As added by P.L.24-1992, SEC.28. Amended by P.L.210-2013, SEC.4.

IC 4-31-9-2
Purse money

Sec. 2. Each person that holds a permit to conduct a horse racing meeting or a permit holder licensed to operate a satellite facility shall pay as purse money from the amounts withheld under section 1 of this chapter an amount equal to:

(1) eight percent (8%) of the total amount of money wagered on live races at a permit holder's racetrack; plus

(2) five percent (5%) of the total amount of money wagered on simulcasts of horse races that originate from a permit holder's racetrack and are televised at the permit holder's satellite facilities; plus

(3) on the simulcast of races, for the Indiana sending or Indiana receiving track, the total amount to be paid to purses, after deducting:

(A) pari-mutuel tax payments owed to Indiana; and

(B) the contractual obligations owed to the racetrack from which the races originated;

shall be determined, subject to the approval of the commission, by one (1) or more contracts between the applicable Indiana permit holders and the applicable horsemen's association, and the allocation of this amount between breeds, if applicable, shall be determined by the rules of the commission.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.29.

IC 4-31-9-3
Taxation of amount wagered each day; computation; distribution

Sec. 3. (a) At the close of each day on which a permit holder or satellite facility operator conducts pari-mutuel wagering on live racing or simulcasts at a racetrack or satellite facility, the permit holder or satellite facility operator shall pay to the department of state revenue a tax on the total amount of money wagered on that day as follows:

(1) Two percent (2%) of the total amount of money wagered on live races and simulcasts conducted at a permit holder's racetrack.

(2) Two and one-half percent (2.5%) of the total amount of money wagered on simulcasts at satellite facilities, regardless

of whether those simulcasts originate from Indiana or another state.

(b) The taxes collected under subsection (a) shall be paid from the amounts withheld under section 1 of this chapter and shall be distributed as follows:

(1) The first one hundred fifty thousand dollars ($150,000) of taxes collected during each state fiscal year shall be deposited in the veterinary school research account established by IC 4-31-12-22.

(2) The remainder of the taxes collected during each state fiscal year shall be paid into the build Indiana fund.

(c) The tax imposed by this section is a listed tax for purposes of IC 6-8.1-1.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.30; P.L.26-1996, SEC.1; P.L.186-2002, SEC.9.

IC 4-31-9-4
Repealed

(Repealed by P.L.24-1992, SEC.64.)

IC 4-31-9-5
Taxation of amount collected for admission charge; distribution

Sec. 5. (a) At the close of each day on which pari-mutuel wagering is conducted, each permit holder or satellite facility operator shall pay to the department of state revenue a tax equal to twenty cents ($0.20) for each person who paid an admission charge for the privilege of entering the racetrack grounds or satellite facility on that day. Separate computations shall be made of the number of patrons at each location. If tickets are issued for more than one (1) day, the sum of twenty cents ($0.20) shall be paid for each person using the ticket on each day that it is used.

(b) Before the fifteenth day of each month, the taxes collected under subsection (a) during the preceding month shall be distributed as follows:

(1) Fifty percent (50%) of the taxes shall be distributed in equal shares to the fiscal officers of:

(A) the city, if any;

(B) the town, if any; and

(C) the county;

in which the racetrack is located. The city, town, or county may use this money as general fund operating revenues.

(2) Fifty percent (50%) of the taxes shall be deposited in the state general fund.

(c) The tax imposed by this section is a listed tax for purposes of IC 6-8.1-1.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.31.

IC 4-31-9-6
Repealed
(Repealed by P.L.1-1990, SEC.43.)

IC 4-31-9-7
Money wagered on televised simulcasts; racing fees; amount; distribution
Sec. 7. (a) This section does not apply to money wagered on simulcasts of horse races televised under IC 4-31-7-7.
(b) Each permit holder shall pay a fee after the completion of each racing meeting. This fee is in addition to the taxes imposed by section 3 of this chapter. Except as provided in subsection (c), the amount of this fee is determined as follows:
(1) If the total amount of wagering at the racing meeting is less than five million dollars ($5,000,000), the fee is one-tenth of one percent (0.1%) of the total amount wagered.
(2) If the total amount of wagering at the racing meeting is five million dollars ($5,000,000) or more, the fee is fifteen-hundredths of one percent (0.15%) of the total amount wagered.
(c) The fees collected under this section from any one (1) permit holder may not exceed fifteen thousand dollars ($15,000) from any one (1) horse racing meeting in a calendar year.
(d) Within ten (10) days after the close of each racing meeting, the permit holder shall forward the fee imposed by this section in equal shares to the fiscal officers of the:
(1) city, if any;
(2) town, if any; and
(3) county;
in which the racing meeting took place. The city, town, or county may use this money as general fund operating revenues.
As added by P.L.1-1990, SEC.44. Amended by P.L.210-2013, SEC.5.

IC 4-31-9-8
Additional taxation by political subdivision; real and personal property taxes
Sec. 8. No tax or fee, except as provided in this article, shall be assessed or collected from a permit holder by a political subdivision having the power to assess or collect a tax or fee. This section does not apply to real or personal property taxes imposed by a local taxing unit.
As added by P.L.1-1990, SEC.45.

IC 4-31-9-9
Taxation of satellite facility wagers; distribution
Sec. 9. (a) Before January 15 and July 15 of each year, each permit holder that operates satellite facilities shall forward to the auditor of state an amount equal to one-half of one percent (0.5%) of

the total amount of money wagered at that permit holder's satellite facilities during the six (6) month period ending on the last day of the preceding month. The auditor of state shall distribute amounts received under this section as follows:

(1) Fifty percent (50%) of the amounts received shall be deposited in the livestock industry promotion and development fund established by IC 15-11-5-4.

(2) Fifty percent (50%) of the amounts received shall be distributed to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(b) Payments required by this section shall be made from amounts withheld by the permit holder under section 1 of this chapter.

As added by P.L.24-1992, SEC.32. Amended by P.L.2-2008, SEC.19.

IC 4-31-9-10

Payment of breakage and outs; distribution

Sec. 10. (a) At the close of each day on which pari-mutuel wagering is conducted at a racetrack or satellite facility, the permit holder or satellite facility operator shall pay the breakage from each of the races on which wagers were taken on that day to the auditor of state for deposit in the appropriate breed development fund as determined by the rules of the commission.

(b) Not later than March 15 of each year, each permit holder or satellite facility operator shall pay to the commission the balance of the outs tickets from the previous calendar year. The commission shall distribute money received under this subsection to the appropriate breed development fund as determined by the rules of the commission.

As added by P.L.24-1992, SEC.33.

IC 4-31-10

Chapter 10. Indiana Horse Racing Commission Operating Fund

IC 4-31-10-1

"Fund" defined

Sec. 1. As used in this chapter, "fund" refers to the Indiana horse racing commission operating fund.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-10-2

Establishment; administration

Sec. 2. The Indiana horse racing commission operating fund is established. The fund shall be administered by the commission. The fund does not revert to the state general fund at the end of a state fiscal year.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-10-3

Composition of fund

Sec. 3. The fund consists of appropriations made by the general assembly.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-10-4

Purpose

Sec. 4. The commission shall use the fund to pay its operating costs and to pay the costs of administering and enforcing this article.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-10-5

Budget requests

Sec. 5. The commission shall prepare budget requests at the direction of the budget agency.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11

Chapter 11. Breed Development Advisory Committees and Breed Development Funds

IC 4-31-11-1

"Development committee" defined

Sec. 1. As used in this chapter, "development committee" refers to a breed development advisory committee established by the commission under section 3 of this chapter.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-2

"Development fund" defined

Sec. 2. As used in this chapter, "development fund" refers to a breed development fund established by the commission under section 10 of this chapter.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-3

Establishment of separate committee for each breed

Sec. 3. The commission may establish a separate breed development advisory committee for each breed of horse that participates in racing meetings under this article.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-4

Members; requirements

Sec. 4. (a) Each development committee consists of three (3) members appointed as follows:

(1) One (1) member appointed by the governor, who shall chair the committee.

(2) One (1) member appointed by the permit holder of the track where the breed of horse races.

(3) One (1) member appointed by the horsemen's association that is approved for funding by the Indiana horse racing commission and representing owners.

(b) The members of each development committee must be residents of Indiana who are knowledgeable in horse breeding and racing and must include one (1) member who is an owner and one (1) member who is a breeder. No more than two (2) members of each development committee may be members of the same political party.

(c) If more than one (1) horsemen's association for a breed represents owners, the associations must agree on the associations' appointment described in subsection (a)(3) to the development committee.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.256-2015, SEC.5.

IC 4-31-11-5
Term of office; vacancy

Sec. 5. Except as provided in section 5.5 of this chapter, a member of a development committee serves a term of four (4) years. If a vacancy occurs on a development committee due to the death, resignation, or removal of a member, a new member shall be appointed to serve for the remainder of the unexpired term in the same manner as the original member was appointed under section 4 of this chapter.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.256-2015, SEC.6.

IC 4-31-11-5.5
Vacancy

Sec. 5.5. (a) This section applies to a member of a breed development committee appointed before July 1, 2015.

(b) When a vacancy occurs on a breed development committee under this chapter for any reason, a new member shall be appointed in the following manner:

(1) The first appointment shall be made by the permit holder of the track where the breed of horse races.

(2) The second appointment shall be made by the horsemen's association described in section 4(a)(3) of this chapter.

(3) The third appointment shall be made by the governor.

(c) This section expires June 30, 2019.

As added by P.L.256-2015, SEC.7.

IC 4-31-11-6
Chairman; secretary

Sec. 6. Each development committee may elect one (1) member to serve as chairman and one (1) member to serve as secretary.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-7
Salary; reimbursement of expenses

Sec. 7. A member of a development committee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). However, a member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-8
Indiana sires racing program

Sec. 8. Each development committee shall make recommendations to the commission concerning an Indiana sires racing program. If the

commission establishes an Indiana sires racing program, only those horses that were sired by an Indiana stallion are eligible for races conducted under the program. Stallions residing in Indiana during the full length of the breeding season are eligible for registration as Indiana sires. The commission may charge a fee for registration of Indiana sires.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-9
Recommendations to commission

Sec. 9. (a) Each development committee may make recommendations to the commission concerning:

(1) stakes races;
(2) futurity races;
(3) races only for horses owned by Indiana residents;
(4) races only for horses sired by stallions standing in Indiana;
(5) races only for horses foaled in Indiana; or
(6) races for any combination of horses described in subdivision (3), (4), or (5).

Races described in subdivisions (3) through (6) may be for different distances and may be limited by the age, sex, or gait of the horse.

(b) Each development committee may make recommendations to the commission concerning:

(1) cooperative arrangements with statewide breed associations; and
(2) distribution of money available in a development fund in order to supplement a purse for a race at a county fair or agricultural exposition in Indiana.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-10
Establishment of separate fund for each breed

Sec. 10. The commission may establish a separate breed development fund for each breed of horse that participates in racing meetings under this article. The development funds shall be administered by the commission.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-11
Composition of fund

Sec. 11. Each development fund consists of:

(1) breakage and outs paid into the fund under IC 4-31-9-10;
(2) appropriations by the general assembly;
(3) gifts;
(4) stakes payments;
(5) entry fees; and
(6) money paid into the fund under IC 4-35-7-12.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992,

SEC.34; P.L.277-1993(ss), SEC.126; P.L.205-2013, SEC.66; P.L.210-2013, SEC.6.

IC 4-31-11-12
Investment of funds

Sec. 12. The treasurer of state shall invest the money in each development fund not currently needed to meet obligations of that fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-13
Payments from funds; order; transfer of funds

Sec. 13. The auditor of state and treasurer of state shall make payments from the development funds upon order of the commission. However, the auditor of state and treasurer of state may not transfer money from one (1) development fund to another development fund.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-14
Reversion of funds at the end of fiscal year

Sec. 14. A development fund does not revert to the state general fund at the end of a state fiscal year.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-11-15
Development funds; uses; promotional costs

Sec. 15. (a) The commission shall use the development funds to provide purses and other funding for the activities described in section 9 of this chapter. The commission may pay:

(1) the operating costs of the development programs;
(2) other costs of administering this chapter; and
(3) costs incurred to promote the horse racing industry in Indiana;

from one (1) or more of the development funds. However, the amount used for each state fiscal year from these development funds to pay these costs may not exceed four percent (4%) of the amount distributed to those funds during the immediately preceding state fiscal year under IC 4-35-7-12.

(b) The total amount of money used for each state fiscal year to pay promotional costs described in subsection (a)(3) may not exceed fifty percent (50%) of the total amount of money available under subsection (a) to pay the operating, administrative, and promotional costs described in subsection (a).

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.229-2011, SEC.59; P.L.256-2015, SEC.8.

IC 4-31-12

Chapter 12. Medication of Race Horses

IC 4-31-12-1

Purpose

Sec. 1. The purpose of this chapter is to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and the racing participants through the prohibition or control of all drugs and medications or substances foreign to the natural horse.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-2

Foreign substances; medications

Sec. 2. (a) Except as permitted by the rules of the commission, a horse participating in a race may not carry in its body any foreign substance.

(b) The commission shall adopt the rules the commission considers necessary to implement this section. Before adopting a rule with regard to permitting the use of any medication, the commission shall consider the model rules approved by the Association of Racing Commissioners International.

(c) In order to inform the racetrack patrons of those horses running with medication, the permit holder shall indicate in the racing program a horse that is racing with a medication permitted by the rules of the commission.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.35; P.L.34-2006, SEC.1.

IC 4-31-12-3

Possession of equipment for hypodermic administration; restrictions

Sec. 3. (a) Except as provided in subsection (b), a licensee at a racetrack, other than a veterinarian, may not possess equipment for hypodermic administration.

(b) A licensee at a racetrack may possess a hypodermic syringe or needle for the purpose of administering a chemical or biological substance to the licensee's own person, if the licensee has:

(1) notified the presiding judge of:

(A) the licensee's possession of the device;

(B) the size of the device; and

(C) the chemical substance to be administered by the device; and

(2) obtained written permission for possession and use from the presiding judge.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-4

Possession of prescription drugs; restrictions

Sec. 4. (a) Except as provided in subsection (b), a licensee may not possess a foreign substance that is considered a prescription drug or prescription medication, unless it is for an existing condition and is prescribed by a veterinarian. When prescribed by a veterinarian, the supply of such a foreign substance shall be limited by ethical practice consistent with the purposes of this chapter. This section does not affect the prohibition of drugs, narcotics, stimulants, and other items and substances listed in sections 19, 20, and 21 of this chapter.

(b) A licensee at a racetrack may possess a chemical or biological substance for use on the licensee's own person, if:

(1) the chemical or biological substance is prohibited from being dispensed by Indiana or federal law without a prescription;

(2) the licensee is in possession of documentary evidence that a valid prescription for the chemical or biological substance has been issued to the licensee; and

(3) the licensee has filed with the presiding judge a sworn statement clearly describing the substance and its intended use.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-5

Blood and urine tests

Sec. 5. (a) The judges, the stewards, a commission veterinarian, a member of the commission, or the secretary of the commission may order a blood test or urine test, or both, on a horse for the purpose of analysis.

(b) A blood specimen or urine specimen, or both, shall be taken from the following horses after the running of each race:

(1) The horse that finishes first in each race.

(2) Any other horses designated by the judges, the stewards, a commission veterinarian, a member of the commission, or the secretary of the commission. The judges and veterinarian shall designate for the taking of such a specimen a horse that races markedly contrary to form.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.36.

IC 4-31-12-6

Appointment of veterinarian; approval of laboratory; analysis of specimens

Sec. 6. (a) The commission:

(1) shall appoint, at its cost, a veterinarian licensed to practice in Indiana to take or supervise the taking of specimens under section 5 of this chapter;

(2) shall approve a laboratory for the analysis of those specimens; and

(3) may require that a specimen taken under section 5 of this chapter be analyzed.

(b) The cost of analyzing specimens shall be borne by the commission.

(c) The commission may appoint, at its cost, veterinarians or other persons to supervise all activities in the state testing barn area and to supervise the practice of veterinary medicine at all racetracks in Indiana.

(d) The commission shall employ or contract for assistants to aid in securing specimens at each racetrack. These assistants shall have free access, under the supervision of the commission's veterinarian, to the state testing barn area. The permit holder shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the assistants who serve at the permit holder's racetrack.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.37.

IC 4-31-12-7

Veterinarians appointed by commission; prohibition on treatment of horses on the grounds; compensation

Sec. 7. (a) A veterinarian appointed by the commission or employed by a permit holder may not, during the period of the veterinarian's employment, treat or issue prescriptions for a horse on the grounds of or registered to race at a track, except in case of emergency. A full and complete record of an emergency treatment or a prescription shall be filed with the stewards or judges.

(b) An owner or trainer may not directly or indirectly employ or pay compensation to a veterinarian who is employed by the commission or a permit holder.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-8

Positive test prima facie evidence of milkshake or bicarbonate loading or foreign substance

Sec. 8. (a) As used in this section, "milkshake or bicarbonate loading" means a bicarbonate or alkaline substance, administered to a horse by any possible means, that elevates the horse's bicarbonate level or pH level above those existing naturally in the untreated horse at normal physiological concentrations as determined by the commission.

(b) A finding by the chemist or an authorized commission employee that a milkshake or bicarbonate loading or a foreign substance, other than a medication permitted by the rules of the commission, is present in the test sample shall be considered:

(1) a positive test and a violation of section 2 of this chapter; and

(2) prima facie evidence that:

(A) the milkshake or bicarbonate loading or foreign substance was administered and carried or attempted to be carried in the body of the horse while participating in a race; and

(B) the trainer and the trainer's agents responsible for the care and custody of the horse have been negligent in the handling or care of the horse.

(c) The commission may establish the concentration level that is an unacceptable concentration level for substances that it considers necessary for the detection of a milkshake or bicarbonate loading under this section.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.38; P.L.50-1995, SEC.8; P.L.34-2006, SEC.2.

IC 4-31-12-9
Repealed

(As added by P.L.341-1989(ss), SEC.2. Repealed by P.L.34-2006, SEC.3.)

IC 4-31-12-10
Post-mortem examination

Sec. 10. (a) The commission veterinarian may order a post-mortem examination of:

(1) each horse that:

(A) suffers a breakdown on the racetrack, in training, or in competition; and

(B) is destroyed; and

(2) each horse that expires under suspicious or unusual circumstances while stabled on a racetrack under the jurisdiction of the commission;

to determine the injury or sickness that resulted in euthanasia or natural death.

(b) A post-mortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the commission veterinarian.

(c) Test samples specified by the commission veterinarian shall be obtained from the carcass upon which the post-mortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood and urine test samples shall be procured before euthanasia when practical.

(d) The commission shall pay all costs involved in a post-mortem examination ordered by the commission or the commission veterinarian.

(e) A written record shall be filed with the commission veterinarian at the completion of each post-mortem examination. The record must contain all information normally contained in a post-mortem report, as well as any other information specifically

requested by the commission veterinarian.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-11
Official laboratory

Sec. 11. The commission may direct the official laboratory to retain and preserve by freezing samples for future analysis.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-12
Purse money issued before laboratory report; chemical substance abuse

Sec. 12. The fact that purse money has been distributed before the issuance of a laboratory report shall not be considered a finding that no chemical substance has been administered to the horse earning the purse money.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-13
Violation; forfeiture of purse; suspension of horse, owner, and trainer

Sec. 13. (a) This section applies to a horse entered to race at a track operated under a permit issued by the commission.

(b) The following provisions apply if the analysis of a blood specimen or urine specimen shows that a person has violated section 2 of this chapter:

(1) The owner of the horse from which the specimen was obtained shall forfeit the purse and any trophy or award.

(2) If the purse was paid before the maker of that payment was notified of the result of the analysis, the horse, the owner, and the trainer of the horse are suspended. A permit holder is not required to make any other distribution of the purse until the refund has been made. The judges shall disqualify the horse from which the positive specimen was obtained and the remaining horses shall be advanced accordingly. The horse ultimately designated as the winner of the race shall be awarded any additional portions of the purse that remain following the disqualification if there are not enough unoffending horses to share the purse.

(3) A suspension made under this section continues until the purse is refunded and properly redistributed or for any other period determined by the commission.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-14
Horse chosen for testing; trainer's duties

Sec. 14. The trainer of a horse that is the winner of a race or from which the judges order a specimen to be taken shall see that the horse

is taken directly to the state testing barn as soon as the race in which the horse competed has been completed.
As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-15
Sanctions imposed by stewards and judges; procedures

Sec. 15. (a) The commission may adopt rules under IC 4-22-2 to delegate to the stewards and judges of racing meetings the authority to conduct disciplinary hearings on behalf of the commission. The stewards and judges shall give at least twelve (12) hours notice of any such hearing. The stewards and judges, on behalf of the commission, may impose one (1) or more of the following sanctions against a licensee who violates sections 2 through 13 of this chapter:

(1) A civil penalty not to exceed five thousand dollars ($5,000).

(2) A temporary order or other immediate action in the nature of a summary suspension where a licensee's actions constitute an immediate danger to the public health, safety, or welfare.

(3) Suspension of a license held by the licensee for up to one (1) year. The suspension of a license under this subdivision is:

(A) valid even though the suspension extends beyond the period of the racing meeting for which the stewards and judges have been appointed; and

(B) effective at all other racing meetings under the jurisdiction of the commission.

(4) A rule that a person must stay off the premises of one (1) or more permit holders if necessary in the public interest to maintain proper control over recognized meetings.

(5) Referral of the matter to the commission for its consideration.

However, at least two (2) of the stewards or judges must concur in a sanction.

(b) Unless a suspension of a license or the imposition of a civil penalty under this section is appealed by the person sanctioned not more than fifteen (15) days after being sanctioned, the suspension of a license or the imposition of a civil penalty under this section must occur within one hundred eighty (180) days of the date of the violation.

(c) A sanction under this section may be appealed to the commission. Judges and stewards imposing sanctions under this section must prove the person's violation by a preponderance of the evidence. The commission shall adopt rules establishing procedures for appeals and stays of appeals. The commission shall conduct a hearing on an appeal filed under this section as provided in IC 4-21.5.
As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.39; P.L.50-1995, SEC.9; P.L.210-2013, SEC.7.

IC 4-31-12-16

Commission; imposition of sanctions against licensee

Sec. 16. The commission may impose one (1) or more of the following sanctions against a licensee who violates sections 2 through 13 of this chapter:

(1) Revocation of a license held by the licensee.

(2) Suspension of a license held by the licensee.

(3) A civil penalty not to exceed five thousand dollars ($5,000).

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.40; P.L.210-2013, SEC.8.

IC 4-31-12-17

Saliva, urine, or blood sample; procedure

Sec. 17. (a) The owner, the trainer, or a representative of the owner or trainer must be present in the quarantine area when a saliva, urine, or blood specimen is taken from a horse, and must remain until the specimen is sealed. The official tag attached to a specimen shall be signed by the owner, the trainer, or the owner's or trainer's representative as witness to the taking of the specimen. The judges shall immediately suspend a person who:

(1) willfully fails to be present at the taking of a specimen;

(2) refuses to allow the taking of a specimen; or

(3) otherwise interferes with the taking of a specimen;

and the matter shall be referred to the commission for any further penalty that the commission considers appropriate.

(b) An owner or trainer who is not present either in person or by representative when a specimen is taken from a horse may not claim that the specimen tested was not the specimen taken from the horse.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-18

Revocation of license

Sec. 18. The commission may permanently revoke the license of a person who:

(1) injects a drug;

(2) administers a drench; or

(3) uses an electrical, a mechanical, or other appliance, except the ordinary whip;

for the purpose of stimulating a horse or affecting its speed in a race.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.41.

IC 4-31-12-19

Possession of controlled substance; penalty

Sec. 19. A licensee who possesses a controlled substance (as defined in IC 35-48) while on the premises of a permit holder shall be fined, suspended, or fined and suspended by the judges in accordance with IC 4-31-13.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-20
Possession of stimulants, hypodermic instrument, or electrical instrument used to affect actions of a horse; penalty

Sec. 20. (a) This section does not apply to a veterinarian licensed by the commission.

(b) The judges or the commission may suspend the license of a person who possesses:

(1) a drug or chemical that may be used as a stimulant;

(2) a hypodermic syringe, hypodermic needle, or other instrument that may be used for injection; or

(3) a battery or other electrical or mechanical instrument that may be used to affect the speed or actions of a horse;

on the premises of a permit holder.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-21
Veterinarians; controlled substances and injection instruments; handling and disposal

Sec. 21. A veterinarian may not:

(1) leave a container of a controlled substance (as defined in IC 35-48); or

(2) leave or dispose of a hypodermic syringe, hypodermic needle, or other instrument that may be used for injection;

on the premises of a permit holder.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-12-22
Veterinary school research account

Sec. 22. (a) The veterinary school research account (referred to in this section as "the account") is established as an account within the state general fund. The account shall be administered by Purdue University. The account does not revert to the state general fund at the end of a state fiscal year.

(b) The account consists of money deposited in the account under IC 4-31-9-3.

(c) Money in the account is annually appropriated to the Purdue University School of Veterinary Medicine for use in equine research. Research conducted under this section must include but is not limited to research on the effects of drugs on the race performance of horses.

(d) Before January 15 of each year, the Purdue University School of Veterinary Medicine shall make a written report to the commission concerning:

(1) the uses of the money received by the school under this section; and

(2) the results of the research conducted by the school under this section.

As added by P.L.24-1992, SEC.42.

IC 4-31-13

Chapter 13. Offenses and Enforcement

IC 4-31-13-1

Disciplinary actions of judges and stewards; sanctions; maximum civil penalty

Sec. 1. (a) The commission may issue orders under IC 4-21.5 to:

(1) deny, suspend, diminish, or revoke permits and licenses as authorized by this article; and

(2) impose civil penalties, in addition to any other penalty imposed by the commission on a person who violates this article or a rule or an order of the commission.

(b) The commission or the commission's designee, as determined under the rules of the commission, on its own motion or in addition to a penalty assessed by the stewards and judges, may issue orders under IC 4-21.5 to rule a person off one (1) or more permit holders' premises, if necessary in the public interest to maintain proper control over recognized meetings.

(c) A civil penalty imposed against a licensee under subsection (a)(2) may not exceed five thousand dollars ($5,000). For purposes of subsection (a)(2), each day during which a violation of this article or a rule or an order of the commission continues to occur constitutes a separate offense.

(d) Civil penalties imposed under this article shall be deposited in the state general fund.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.43; P.L.50-1995, SEC.10; P.L.210-2013, SEC.9.

IC 4-31-13-2

Disciplinary hearings; sanctions, maximum civil penalty; appeals

Sec. 2. (a) The commission may adopt rules under IC 4-22-2 to delegate to the stewards and judges of racing meetings under the jurisdiction of the commission the power to conduct disciplinary hearings on behalf of the commission. The stewards and judges shall give at least twelve (12) hours notice of any such hearing. The stewards and judges, on behalf of the commission, may impose one (1) or more of the following sanctions against a licensee who violates this article or the rules or orders of the commission:

(1) A civil penalty not to exceed five thousand dollars ($5,000).

(2) A temporary order or other immediate action in the nature of a summary suspension if a licensee's actions constitute an immediate danger to the public health, safety, or welfare.

(3) Suspension of a license held by the licensee for not more than one (1) year. The suspension of a license under this subdivision is:

(A) valid even though the suspension extends beyond the period of the racing meeting for which the stewards and judges have been appointed; and

(B) effective at all other racing meetings under the jurisdiction of the commission.

(4) A rule that a person must stay off the premises of one (1) or more permit holders if necessary in the public interest to maintain proper control over recognized meetings.

(5) Referral of the matter to the commission for its consideration.

However, at least two (2) of the stewards or judges at a racing meeting must concur in a suspension or civil penalty.

(b) Unless a suspension of a license or the imposition of a civil penalty under this section is appealed by the person sanctioned not more than fifteen (15) days after being sanctioned, the suspension of a license or the imposition of a civil penalty under this section must occur within one hundred eighty (180) days after the date of the violation.

(c) A suspension or civil penalty under this section may be appealed to the commission. Judges and stewards imposing sanctions under this section must prove the person's violation by a preponderance of the evidence. The commission shall adopt rules establishing procedures for appeals and stays of appeals. The commission shall conduct a hearing on an appeal filed under this section as provided in IC 4-21.5.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.44; P.L.50-1995, SEC.11; P.L.210-2013, SEC.10.

IC 4-31-13-3

Conducting, aiding, or abetting pari-mutuel wagering without a permit; violation; Level 6 felony

Sec. 3. (a) A person who is not a permit holder may not conduct, or aid or abet the conducting of, a horse racing meeting at which pari-mutuel wagering is permitted. Each day of racing in violation of this section constitutes a separate offense.

(b) A person who violates this section commits a Level 6 felony.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.158-2013, SEC.65.

IC 4-31-13-3.5

Permit holders or persons with an interest in a permit holder

Sec. 3.5. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to contributions made after June 30, 1996.

(c) As used in this section, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the

following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the permit holder.

(2) The person is an officer of the permit holder.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.

(4) The person is a political action committee of the permit holder.

(g) For purposes of this section, a permit holder is considered to have made a contribution if a contribution is made by a person who has an interest in the permit holder.

(h) A permit holder or a person with an interest in a permit holder may not make a contribution to a candidate or a committee during the following periods:

(1) The term during which the permit holder holds a permit.

(2) The three (3) years following the final expiration or termination of the permit holder's permit.

(i) A person who knowingly or intentionally violates this section commits a Level 6 felony.

As added by P.L.4-1996, SEC.92. Amended by P.L.158-2013, SEC.66.

IC 4-31-13-4

Right of entry by commission and representatives; searches of persons and property; violation; suspension

Sec. 4. (a) The commission and its representatives have the right of full and complete entry to any and all parts of the grounds and mutuel plants of permit holders.

(b) The commission, the commission's representatives, and the state judge investigating for violations of law or of the rules of the commission may permit persons authorized by them to search the following persons and areas:

(1) All persons who are within the racetrack premises and:

(A) licensed by the commission; or

(B) engaged in activities that require a license by the commission.

(2) Persons who have gained access to the racetrack premises by special permission.

(3) Vendors licensed by the commission when they are within the racetrack premises.

(4) Stables, rooms, vehicles, and other places within the racetrack premises that are used by those persons who may be searched under this section.

(5) Stables, rooms, and vehicles that are used or maintained by persons licensed by the commission and are located in areas outside of the racetrack premises where horses eligible to race at the racing meeting are stabled.

(c) If a licensee refuses to consent to a search under this section, the person shall be automatically suspended.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.50-1995, SEC.12.

IC 4-31-13-5

"Member of the family" defined; offer of compensation or thing of value by permit holder or employee to commission member or family; prohibition

Sec. 5. (a) As used in this section, "member of the family" means a spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, or first cousin.

(b) A permit holder or a member, an officer, a director, or an employee of the permit holder may not give or offer to:

(1) a member, an employee, or a representative of the commission; or

(2) a member of the family of a commission member, an employee, or a representative;

a gift, money, property, entertainment, or any other thing of value with intent to influence, or that may appear to be intended to influence, the member, an employee, or a representative of the commission in the performance of official duties and responsibilities.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-13-6

Disclosure of information by permit holder to commission

Sec. 6. Upon demand in writing by the commission, a permit holder shall furnish the commission a full and complete statement of receipts, expenditures, attendance, and any other information that the commission requires with respect to a meeting or with respect to an accounting period specified by the commission.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-13-7
Horse in which racetrack official has direct or indirect interest; ineligibility

Sec. 7. (a) This section applies to the following persons:

(1) Judges.
(2) Racing secretaries.
(3) Employees in the racing secretary's office.
(4) Starters.
(5) Assistant starters.
(6) Assistants to the state veterinarian.
(7) Any other racing official.

(b) When a person listed in subsection (a) is serving in an official capacity at a racetrack, a horse in which the person (or the person's spouse or child) has a direct or indirect interest may not be raced at that racetrack.

As added by P.L.341-1989(ss), SEC.2. Amended by P.L.210-2013, SEC.11.

IC 4-31-13-8
Making of book or operation of handbooks on grounds; betting with bookmakers; prohibitions

Sec. 8. A permit holder may not allow the making of book or the operation of handbooks on its grounds. If these practices are found to exist, the permit holder shall take immediate steps to eliminate them. Any licensees who are found betting with bookmakers may be deprived of their licenses, ejected from the grounds, and denied entrance to any race meeting in Indiana. Any other persons found betting with bookmakers may be ejected from the grounds and denied further entrance to any race meeting in Indiana.

As added by P.L.341-1989(ss), SEC.2.

IC 4-31-13-9
Gift by permit holder to induce precinct committee member on local public question

Sec. 9. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) This section applies only to property given after June 30, 1996.

(c) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
(2) An individual who is a successor to an individual described in subdivision (1).

(d) For purposes of this section, a person is considered to have an interest in a permit holder if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the permit holder.

(2) The person is an officer of the permit holder.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the permit holder.

(4) The person is a political action committee of the permit holder.

(e) A permit holder or a person with an interest in a permit holder may not give any property (as defined in IC 35-31.5-2-253) to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-31-4.

(f) A person who knowingly or intentionally violates this section commits a Level 6 felony.

As added by P.L.24-1996, SEC.9. Amended by P.L.2-1997, SEC.13; P.L.114-2012, SEC.8; P.L.158-2013, SEC.67.

IC 4-32

ARTICLE 32. REPEALED

(Repealed by P.L.91-2006, SEC.15.)

IC 4-32.2

ARTICLE 32.2. CHARITY GAMING

IC 4-32.2-1

Chapter 1. General Provisions

IC 4-32.2-1-1

Application of article

Sec. 1. (a) This article applies only to a qualified organization.

(b) This article applies only to the following approved gambling events conducted as fundraising activities by qualified organizations:

(1) Bingo events, charity game nights, door prize events, raffle events, festivals, and other gaming events approved by the commission.

(2) The sale of pull tabs, punchboards, and tip boards:

(A) at bingo events, charity game nights, door prize events, raffle events, and festivals conducted by qualified organizations; or

(B) at any time on the premises owned or leased by a qualified organization and regularly used for the activities of the qualified organization.

This article does not apply to any other sale of pull tabs, punchboards, and tip boards.

(c) This article does not apply to a promotion offer subject to IC 24-8.

(d) This article does not apply to the following:

(1) A type II gambling game authorized by IC 4-36.

(2) A raffle or other gambling game authorized by IC 4-36-5-1(b).

(e) This article does not apply to a prize linked savings program that:

(1) is offered or conducted by an eligible financial institution under IC 28-1-23.2;

(2) is:

(A) offered or conducted by a credit union organized or reorganized under United States law; and

(B) conducted in the same manner as a prize linked savings program under IC 28-1-23.2; or

(3) is:

(A) offered or conducted by an insured depository institution (as defined in 12 U.S.C. 1813) that is:

(i) a national bank formed under 12 U.S.C. 21;

(ii) a state member bank (as defined in 12 U.S.C. 1813);

(iii) a state nonmember bank (as defined in 12 U.S.C. 1813); or

(iv) a savings association (as defined in 12 U.S.C. 1813); and

(B) conducted in the same manner as a prize linked savings

program under IC 28-1-23.2.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.2; P.L.95-2008, SEC.1; P.L.135-2014, SEC.1; P.L.186-2015, SEC.2.

IC 4-32.2-1-2

Purpose of article

Sec. 2. Except as provided in IC 4-32.2-4-13(e), the purpose of this article is to permit a licensed qualified organization:

(1) to conduct allowable events; and

(2) to sell pull tabs, punchboards, and tip boards;

as a fundraising activity for lawful purposes of the organization.

As added by P.L.91-2006, SEC.3. Amended by P.L.95-2008, SEC.2.

IC 4-32.2-1-3

Authorization requirement

Sec. 3. A bingo event, charity game night, door prize drawing, raffle, festival event, or other charity gambling event licensed under IC 4-32.2-4-16 is not allowed in Indiana unless it is conducted by a qualified organization in accordance with this article.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.3.

IC 4-32.2-1-4

Local taxes prohibited

Sec. 4. Local taxes, regardless of type, may not be imposed upon the operations of the commission under this article or upon the sale of bingo cards, bingo boards, bingo sheets, bingo pads, pull tabs, punchboards, or tip boards under this article.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-1-5

Local authority preempted

Sec. 5. (a) Local governmental authority concerning the following is preempted by the state under this article and IC 4-30:

(1) All matters relating to the operation of bingo events, charity game nights, raffles, and door prize drawings.

(2) All matters relating to the possession, transportation, advertising, sale, manufacture, printing, storing, or distribution of pull tabs, punchboards, or tip boards.

(b) A county, municipality, or other political subdivision of the state may not enact an ordinance relating to the commission's operations authorized by this article.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2
Chapter 2. Definitions

IC 4-32.2-2-1
Definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-2
"Allowable event"
Sec. 2. "Allowable event" means:
(1) a bingo event;
(2) a charity game night;
(3) a raffle;
(4) a door prize drawing;
(5) a festival;
(6) a sale of pull tabs, punchboards, or tip boards; or
(7) any other gambling event approved by the commission under this article;
conducted by a qualified organization in accordance with this article and rules adopted by the commission under this article.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-3
"Bingo"
Sec. 3. "Bingo" means a game conducted in the following manner:
(1) Each participant receives at least one (1) card, board, pad, or piece of paper marked off into twenty-five (25) squares that are arranged in five (5) vertical rows of five (5) squares each, with each row designated by a single letter, and each box containing a number, from one (1) to seventy-five (75), except the center box, which is always marked with the word "free".
(2) As the caller of the game announces a letter and number combination, each player covers the square corresponding to the announced number, letter, or combination of numbers and letters.
(3) The winner of each game is the player who is the first to properly cover a predetermined and announced pattern of squares upon the card used by the player.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-4
"Bingo event"
Sec. 4. "Bingo event" means an event at which bingo is conducted by an organization that holds a bingo license or a special bingo license issued under this article.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-5
"Bona fide business organization"

Sec. 5. "Bona fide business organization" means a local organization that is not for pecuniary profit and is exempt from federal income taxation under Section 501(c)(6) of the Internal Revenue Code.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-6
"Bona fide civic organization"

Sec. 6. "Bona fide civic organization" means a branch, lodge, or chapter of a national or state organization that is not for pecuniary profit or a local organization that is not for pecuniary profit and not affiliated with a state or national organization whose written constitution, charter, articles of incorporation, or bylaws provide the following:

(1) That the organization is organized primarily for civic, fraternal, or charitable purposes.

(2) That upon dissolution of the organization all remaining assets of the organization revert to nonprofit civic or charitable purposes.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-7
"Bona fide educational organization"

Sec. 7. "Bona fide educational organization" means an organization that is not for pecuniary profit and that meets the following criteria:

(1) The organization's primary purpose is educational in nature.

(2) The organization's constitution, articles, charter, or bylaws contain a clause that provides that upon dissolution all remaining assets shall be used for nonprofit educational purposes.

(3) The organization is designed to develop the capabilities of individuals by instruction in a public or private:

(A) pre-elementary educational development program;

(B) elementary or secondary school; or

(C) college or university.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.4.

IC 4-32.2-2-7.5
"Bona fide fraternal organization"

Sec. 7.5. "Bona fide fraternal organization" means a type of bona fide civic organization that:

(1) is a branch, lodge, or chapter of a national organization; and

(2) exists for the common charitable purposes, brotherhood, and other interests of its members.

As added by P.L.108-2009, SEC.4.

IC 4-32.2-2-7.6
"Bona fide national foundation"

Sec. 7.6. "Bona fide national foundation" refers to an organization that:

(1) operates without profit to the organization's members;

(2) is exempt from taxation under Section 501 of the Internal Revenue Code;

(3) is related in both its mission and organization to a bona fide national organization; and

(4) has provided grants to Indiana organizations in aggregate amounts that annually exceed fifty thousand dollars ($50,000) in each of the three (3) calendar years preceding the calendar year in which the organization applies for a license under this article.

As added by P.L.94-2012, SEC.1.

IC 4-32.2-2-7.7
"Bona fide national organization"

Sec. 7.7. "Bona fide national organization" refers to an organization that:

(1) operates without profit to the organization's members;

(2) is exempt from taxation under Section 501 of the Internal Revenue Code;

(3) has a national membership; and

(4) has been continuously in existence in Indiana for at least three (3) years.

As added by P.L.94-2012, SEC.2.

IC 4-32.2-2-8
"Bona fide political organization"

Sec. 8. (a) "Bona fide political organization" means a party committee, association, fund, or other organization, whether incorporated or not, organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function (as defined in Section 527 of the Internal Revenue Code).

(b) Except as provided in subsection (c), the term does not include a candidate's committee (as defined in IC 3-5-2-7).

(c) For purposes of IC 4-32.2-4-8 and IC 4-32.2-4-18, the term includes a candidate's committee (as defined in IC 3-5-2-7).

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-9
"Bona fide religious organization"

Sec. 9. "Bona fide religious organization" means an organization, a church, a body of communicants, or a group:

(1) organized primarily for religious purposes and not for pecuniary profit that provides to the commission written

confirmation that the entity is operating under Section 501 of the Internal Revenue Code or under the Section 501 nonprofit status of the entity's parent organization; and

(2) whose constitution, charter, articles, or bylaws contain a clause that provides that upon dissolution all remaining assets shall be used for nonprofit religious purposes or shall revert to the parent organization for nonprofit religious purposes.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-10
"Bona fide senior citizens organization"

Sec. 10. "Bona fide senior citizens organization" means an organization that is not for pecuniary profit and that:

(1) consists of at least fifteen (15) members who are at least sixty (60) years of age;

(2) is organized by the organization's constitution, charter, articles, or bylaws for the mutual support and advancement of the causes of elderly or retired persons; and

(3) provides in the organization's constitution, charter, articles, or bylaws that upon dissolution all remaining assets of the organization shall be used for nonprofit purposes that will support or advance the causes of elderly or retired persons.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-10.3
"Bona fide state foundation"

Sec. 10.3. "Bona fide state foundation" refers to an organization that:

(1) operates without profit to the organization's members;

(2) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(3) has provided grants to Indiana organizations in aggregate amounts that annually exceed fifty thousand dollars ($50,000) in each of the three (3) calendar years preceding the calendar year in which the organization applies for a license under this article.

As added by P.L.253-2015, SEC.1.

IC 4-32.2-2-10.7
"Bona fide state organization"

Sec. 10.7. "Bona fide state organization" refers to an organization that:

(1) operates without profit to the organization's members;

(2) is exempt from taxation under Section 501 of the Internal Revenue Code;

(3) has a state membership; and

(4) has been continuously in existence in Indiana for at least three (3) years.

As added by P.L.253-2015, SEC.2.

IC 4-32.2-2-11
"Bona fide veterans organization"

Sec. 11. "Bona fide veterans organization" means a local organization or a branch, lodge, or chapter of a state or national organization chartered by the Congress of the United States that is not for pecuniary profit and that:

(1) consists of individuals who are or were members of the armed forces of the United States;

(2) is organized for the mutual support and advancement of the organization's membership and patriotic causes; and

(3) provides in the organization's constitution, charter, articles, or bylaws that upon dissolution all remaining assets of the organization shall be used for nonprofit purposes that will support or advance patriotic causes.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-12
"Charity game night"

Sec. 12. (a) "Charity game night" means an event at which wagers are placed upon the following permitted games of chance through the use of imitation money:

(1) A card game approved by the commission.

(2) A dice game approved by the commission.

(3) A roulette wheel approved by the commission.

(4) A spindle approved by the commission.

(b) The term does not include an event at which wagers are placed upon any of the following:

(1) Bookmaking.

(2) A slot machine.

(3) A one-ball machine or a variant of a one-ball machine.

(4) A pinball machine that awards anything other than an immediate and unrecorded right of replay.

(5) A policy or numbers game.

(6) A banking or percentage game played with cards or counters, including the acceptance of a fixed share of the stakes in a game.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-13
"Commission"

Sec. 13. "Commission" means the Indiana gaming commission established by IC 4-33-3-1.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-14
"Department"

Sec. 14. "Department" means the department of state revenue.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-15
"Door prize"
Sec. 15. "Door prize" means a prize awarded to a person based solely upon the person's paid attendance at a charity fundraising event or the purchase of a ticket to attend a charity fundraising event.
As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.5.

IC 4-32.2-2-16
"Door prize drawing"
Sec. 16. "Door prize drawing" means a drawing to award a door prize.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-17
"Door prize event"
Sec. 17. "Door prize event" means an event at which at least one (1) door prize drawing is conducted by an organization that holds a door prize drawing license issued under this article.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-18
"Executive director"
Sec. 18. "Executive director" means the executive director of the Indiana gaming commission appointed under IC 4-33-3-18.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-18.5
"Full-time employee"
Sec. 18.5. "Full-time employee" means an individual who:
(1) is and has been employed by a particular qualified organization for at least ninety (90) consecutive days as of the date of the qualified organization's allowable event; and
(2) works at least an average of thirty-two (32) hours per week or one thousand six hundred sixty-two (1,662) hours per year for the qualified organization in a capacity that is primarily unrelated to the qualified organization's charity gaming operations.
As added by P.L.227-2007, SEC.6.

IC 4-32.2-2-18.6
"Indiana affiliate"
Sec. 18.6. "Indiana affiliate" refers to either of the following:
(1) An Indiana chapter or other subdivision of a bona fide national organization that:
(A) operates without profit to the organization's members;

and
(B) is exempt from taxation under Section 501 of the Internal Revenue Code.
(2) An association, whether incorporated or not, or a committee of Indiana residents authorized by a bona fide national foundation to conduct allowable events and other fundraising events for the benefit of the bona fide national foundation.
As added by P.L.94-2012, SEC.3.

IC 4-32.2-2-18.7
"Key person"
Sec. 18.7. "Key person" means any:
(1) officer;
(2) director;
(3) executive;
(4) employee;
(5) trustee;
(6) substantial owner;
(7) independent owner; or
(8) agent;
of a business entity that has the power to exercise management or operating authority over the business entity or its affiliates.
As added by P.L.227-2007, SEC.7.

IC 4-32.2-2-19
"Licensed supply"
Sec. 19. "Licensed supply" refers to any of the following:
(1) Bingo cards.
(2) Bingo boards.
(3) Bingo sheets.
(4) Bingo pads.
(5) Pull tabs.
(6) Punchboards.
(7) Tip boards.
(8) Any other supplies, devices, or equipment designed to be used in allowable events designated by rule of the commission.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-20
"Marketing sheet"
Sec. 20. "Marketing sheet" means additional information published about a wagering game that describes winnings.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-20.5
"Member"
Sec. 20.5. "Member" means any of the following:
(1) An individual entitled to membership in a qualified

organization under the bylaws, articles of incorporation, charter, or rules of the qualified organization.

(2) A member of the qualified organization's auxiliary.

(3) In the case of a qualified organization that is a public or nonpublic school (as defined in IC 20-18-2-12), any of the following:

(A) A parent of a child enrolled in the school.

(B) A member of the school's parent organization.

(C) A member of the school's alumni association.

(D) An employee of the school.

(E) An officer of the school.

(F) A student enrolled in the school.

(4) A member of a qualified organization's board of directors or board of trustees.

As added by P.L.91-2006, SEC.3. Amended by P.L.1-2007, SEC.20; P.L.227-2007, SEC.8.

IC 4-32.2-2-21
"Operator"

Sec. 21. "Operator" means an individual who is:

(1) designated under IC 4-32.2-5-1.5 to serve as the operator for an allowable event; and

(2) responsible for conducting an allowable event for a qualified organization under this article in accordance with Indiana law.

As added by P.L.91-2006, SEC.3. Amended by P.L.95-2008, SEC.3.

IC 4-32.2-2-21.5
"PPT license"

Sec. 21.5. "PPT license" refers to a license issued to a qualified organization under IC 4-32.2-4-16.5.

As added by P.L.227-2007, SEC.9.

IC 4-32.2-2-21.7
"Progressive bingo"

Sec. 21.7. "Progressive bingo" means a bingo game in which, if no person matches the predetermined pattern of squares upon the card within a specified number of balls called, the same game will be played later:

(1) for an increased amount of money;

(2) for increased balls called; or

(3) as described in both subdivisions (1) and (2).

As added by P.L.253-2015, SEC.3.

IC 4-32.2-2-21.9
"Progressive or carryover pull tab"

Sec. 21.9. "Progressive or carryover pull tab" means a pull tab game played with a seal card that is designed by the manufacturer to

include a jackpot prize that is carried over to a subsequent deal of the same form number, in the event the jackpot prize is not won.
As added by P.L.253-2015, SEC.4.

IC 4-32.2-2-22
"Pull tab"

Sec. 22. "Pull tab" means either of the following:

(1) A game conducted in the following manner:

(A) A single folded or banded ticket or a two-ply card with perforated break-open tabs is bought by a player from a qualified organization.

(B) The face of each card is initially covered or otherwise hidden from view, concealing a number, letter, symbol, or set of letters or symbols.

(C) In each set of tickets or cards, a designated number of tickets or cards have been randomly designated in advance as winners.

(D) Winners, or potential winners if the game includes the use of a seal, are determined by revealing the faces of the tickets or cards. The player may be required to sign the player's name on numbered lines provided if a seal is used.

(E) The player with a winning pull tab ticket or numbered line receives the prize stated on the flare from the qualified organization. The prize must be fully and clearly described on the flare.

(2) Any game played in a similar fashion as a game described in subdivision (1) that is approved by the commission.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-23
"Punchboard"

Sec. 23. "Punchboard" means a card or board that contains a grid or section that hides the random opportunity to win a prize based on the results of punching a single section to reveal a symbol or prize amount.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-23.3
"Qualified card game"

Sec. 23.3. "Qualified card game" refers to any of the following card games:

(1) Euchre.

(2) Texas hold'em poker.

(3) Omaha poker.

As added by P.L.94-2012, SEC.4.

IC 4-32.2-2-23.5
"Qualified drawing"

Sec. 23.5. "Qualified drawing" means a random drawing to award one (1) or more prizes that is conducted in the manner required by IC 4-32.2-5-26.
As added by P.L.108-2009, SEC.5.

IC 4-32.2-2-24
"Qualified organization"

Sec. 24. (a) "Qualified organization" refers to any of the following:

(1) A bona fide religious, educational, senior citizens, veterans, or civic organization operating in Indiana that:

(A) operates without profit to the organization's members;

(B) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) satisfies at least one (1) of the following requirements:

(i) The organization has been continuously in existence in Indiana for at least three (3) years.

(ii) The organization is affiliated with a parent organization that has been in existence in Indiana for at least three (3) years.

(iii) The organization has reorganized and is continuing its mission under a new name on file with the Indiana secretary of state and with a new tax identification number after having satisfied the requirements set forth in either item (i) or (ii).

(2) A bona fide political organization operating in Indiana that produces exempt function income (as defined in Section 527 of the Internal Revenue Code).

(3) A state educational institution (as defined in IC 21-7-13-32).

(4) A bona fide national organization operating in Indiana.

(5) A bona fide national foundation.

(b) For purposes of IC 4-32.2-4-3, a "qualified organization" includes the following:

(1) A hospital licensed under IC 16-21.

(2) A health facility licensed under IC 16-28.

(3) A psychiatric facility licensed under IC 12-25.

(4) An organization defined in subsection (a).

(c) For purposes of IC 4-32.2-4-10, a "qualified organization" includes a bona fide business organization.

(d) Evidence that an organization satisfies subsection (a)(1)(C)(iii) includes:

(1) evidence of the organization's continued use of a service mark or trademarked logo associated with the organization's former name;

(2) evidence of the continuity of the organization's activities as shown in the federal income tax returns filed for the organization's three (3) most recent taxable years;

(3) evidence of the continuity of the organization's activities as

shown by the three (3) most recent annual external financial reviews of the organization prepared by a certified public accountant; or

(4) any other information considered sufficient by the commission.

(e) Unless the construction is plainly repugnant to the intent of the general assembly or the context of the statute, "qualified organization" refers to an Indiana affiliate of a bona fide national organization or bona fide national foundation.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.10; P.L.108-2009, SEC.6; P.L.94-2012, SEC.5.

IC 4-32.2-2-25
"Qualified recipient"

Sec. 25. "Qualified recipient" means:

(1) a hospital or medical center operated by the federal government;

(2) a hospital licensed under IC 16-21;

(3) a hospital subject to IC 16-22;

(4) a hospital subject to IC 16-23;

(5) a health facility licensed under IC 16-28;

(6) a psychiatric facility licensed under IC 12-25;

(7) an organization described in section 24(a) of this chapter;

(8) an activity or a program of a local law enforcement agency intended to reduce substance abuse;

(9) a charitable activity of a local law enforcement agency; or

(10) a veterans' home.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-26
"Raffle"

Sec. 26. "Raffle" means the selling of tickets or chances to win a prize awarded through a random drawing.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-27
"Raffle event"

Sec. 27. "Raffle event" means an event at which at least one (1) raffle is conducted by an organization that holds a raffle license issued under this article.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-27.3
"Seal card"

Sec. 27.3. "Seal card" means a board or placard used with pull tabs that contains one (1) or more seals, that when removed or opened, reveals a predesignated winning number, letter, symbol, or monetary denomination.

As added by P.L.253-2015, SEC.5.

IC 4-32.2-2-27.5
"Substantial owner"

Sec. 27.5. "Substantial owner" means:

(1) a person holding at least a five percent (5%) ownership interest; or

(2) an institutional investor holding at least a fifteen percent (15%) ownership interest;

in a business entity.

As added by P.L.227-2007, SEC.11.

IC 4-32.2-2-28
"Tip board"

Sec. 28. "Tip board" means a board, a placard, or other device that is marked off in a grid or columns, with each section containing a hidden number or numbers or other symbols that determine a winner.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-29
"Veterans' home"

Sec. 29. "Veterans' home" means any of the following:

(1) The Indiana Veterans' Home.

(2) The VFW National Home for Children.

(3) The Indiana Soldiers' and Sailors' Children's Home.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-2-29.5
"Volunteer ticket agent"

Sec. 29.5. "Volunteer ticket agent" means a person acting on behalf of a qualified organization that:

(1) receives no compensation from the qualified organization;

(2) sells tickets to an allowable event held under a license issued under IC 4-32.2-4-8, IC 4-32.2-4-10, or IC 4-32.2-4-12, or a single event license issued under IC 4-32.2-4-16; and

(3) does not assist the qualified organization in conducting the allowable event in any other way.

As added by P.L.104-2011, SEC.2. Amended by P.L.6-2012, SEC.20.

IC 4-32.2-2-30
"Worker"

Sec. 30. (a) Except as provided in subsection (b), "worker" means an individual who helps or participates in any manner in conducting or assisting in conducting an allowable event under this article.

(b) The following are not considered workers for the purposes of this article:

(1) A patron dealing cards under IC 4-32.2-5-14(b).

(2) A volunteer ticket agent.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.12; P.L.95-2008, SEC.4; P.L.104-2011, SEC.3; P.L.94-2012, SEC.6.

IC 4-32.2-3

Chapter 3. Powers and Duties of the Commission

IC 4-32.2-3-1

Supervision and administration of events

Sec. 1. (a) The commission shall supervise and administer allowable events conducted under this article.

(b) The commission may by resolution assign to the executive director any duty imposed upon the commission by this article.

(c) The executive director shall perform the duties assigned to the executive director by the commission. The executive director may exercise any power conferred upon the commission by this article that is consistent with the duties assigned to the executive director under subsection (b).

As added by P.L.91-2006, SEC.3.

IC 4-32.2-3-2

Investigations and other proceedings

Sec. 2. For purposes of conducting an investigation or a proceeding under this article, the commission may do the following:

(1) Administer oaths.

(2) Take depositions.

(3) Issue subpoenas.

(4) Compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-3-3

Rules

Sec. 3. (a) The commission shall adopt rules under IC 4-22-2 for the following purposes:

(1) Administering this article.

(2) Establishing the conditions under which charity gaming in Indiana may be conducted, including the manner in which a qualified organization may supervise a qualified card game conducted under IC 4-32.2-5-14(b).

(3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of charity gaming.

(4) Establishing rules concerning inspection of qualified organizations and the review of the licenses necessary to conduct charity gaming.

(5) Imposing penalties for noncriminal violations of this article.

(6) Establishing standards for independent audits conducted under IC 4-32.2-5-5.

(b) The commission may adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(1) the need for a rule is so immediate and substantial that

rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(2) an emergency rule is likely to address the need.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.13; P.L.95-2008, SEC.5; P.L.94-2012, SEC.7.

IC 4-32.2-3-4

Licensing of manufacturers and distributors

Sec. 4. (a) The commission has the sole authority to license entities under this article to sell, distribute, or manufacture a licensed supply.

(b) The commission may not limit the number of qualified entities licensed under subsection (a).

(c) The commission may deny a license to an applicant for a license to sell, manufacture, or distribute licensed supplies if the commission determines that at least one (1) of the following applies with respect to the applicant:

(1) The applicant has:

(A) violated a local ordinance, a state or federal statute, or an administrative rule or regulation and the violation would cause the commission to determine that the applicant, a key person, or a substantial owner of the applicant is not of good moral character or reputation; or

(B) committed any other act that would negatively impact the integrity of charity gaming in Indiana.

(2) The applicant has engaged in fraud, deceit, or misrepresentation.

(3) The applicant has failed to provide information required by this article or a rule adopted under this article.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.14; P.L.60-2009, SEC.1.

IC 4-32.2-3-5

Fees

Sec. 5. The commission shall charge appropriate fees to the following:

(1) An applicant for a license to conduct an allowable event.

(2) An applicant seeking a license to distribute a licensed supply.

(3) An applicant seeking a license to manufacture a licensed supply.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.15.

IC 4-32.2-3-6

Ownership, sale, and lease of property

Sec. 6. The commission may own, sell, and lease real and personal property necessary to carry out the commission's responsibilities

under this article.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-3-7
Employees; employment restrictions

Sec. 7. The commission may employ investigators and other staff necessary to carry out this article. However, the restrictions and limitations on the operators and workers set forth in IC 4-32.2-5-10 apply to staff employed under this article. The employees hired by the commission under this article may be the same as the commission's employees hired under IC 4-33.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-3-8
Void rules

Sec. 8. A rule adopted under IC 4-22-2 that requires:

(1) a charity gaming patron to submit; or

(2) a qualified organization to obtain, record, or report;

information that is inconsistent with IC 4-32.2-5-5(a), IC 4-32.2-5-24, or IC 4-32.2-10-5 is void.
As added by P.L.60-2009, SEC.2.

IC 4-32.2-4

Chapter 4. Charity Gaming Licenses

IC 4-32.2-4-1

Authorized activities

Sec. 1. A qualified organization may conduct the following activities in accordance with this article:

(1) A bingo event.

(2) A charity game night.

(3) A raffle event.

(4) A door prize event.

(5) A festival.

(6) The sale of pull tabs, punchboards, and tip boards.

(7) Any other gambling event approved by the commission.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-4-2

License requirement

Sec. 2. Except as provided in section 3 of this chapter, a qualified organization must obtain a license under this chapter to conduct an allowable event.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-4-2.5

Limitations on issuance

Sec. 2.5. The commission may deny a license to an organization if the commission determines that at least one (1) of the following applies with respect to the organization:

(1) The organization has:

(A) violated a local ordinance, a state or federal statute, or an administrative rule or regulation and the violation would cause the commission to determine that the applicant, a key person, or a substantial owner of the applicant is not of good moral character or reputation; or

(B) committed any other act that would negatively affect the integrity of charity gaming in Indiana.

(2) The organization has engaged in fraud, deceit, or misrepresentation.

(3) The organization has failed to provide information required by this article or a rule adopted under this article.

(4) The organization has failed to provide sufficient information to enable the commission to determine that the organization is a qualified organization.

As added by P.L.227-2007, SEC.16.

IC 4-32.2-4-3

Exceptions to license requirement; notice requirement; record keeping

Sec. 3. (a) A qualified organization is not required to obtain a license from the commission if the value of all prizes awarded at the bingo event, charity game night, raffle event, door prize event, festival event, or other event licensed under section 16 of this chapter, including prizes from pull tabs, punchboards, and tip boards, does not exceed one thousand dollars ($1,000) for a single event and not more than three thousand dollars ($3,000) during a calendar year.

(b) A qualified organization that plans to hold an allowable event described in subsection (a) more than one (1) time a year shall send an annual written notice to the commission informing the commission of the following:

(1) The estimated frequency of the planned allowable events.

(2) The location or locations where the qualified organization plans to hold the allowable events.

(3) The estimated value of all prizes awarded at each allowable event.

(c) The notice required under subsection (b) must be filed before the earlier of the following:

(1) March 1 of each year.

(2) One (1) week before the qualified organization holds the first allowable event of the year.

(d) A qualified organization that conducts an allowable event described in subsection (a) shall maintain accurate records of all financial transactions of the event. The commission may inspect records kept in compliance with this section.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.17.

IC 4-32.2-4-4

License applications

Sec. 4. (a) Each organization applying for a bingo license, a special bingo license, a charity game night license, a raffle license, a door prize drawing license, a festival license, or a license to conduct any other gambling event approved by the commission must submit to the commission a written application on a form prescribed by the commission. An organization applying for an annual comprehensive charity gaming license must submit an application under section 19 of this chapter.

(b) Except as provided in subsection (c), the application must include the information that the commission requires, including the following:

(1) The name and address of the organization.

(2) The names and addresses of the officers of the organization.

(3) The type of event the organization proposes to conduct.

(4) The location where the organization will conduct the allowable event.

(5) The dates and times for the proposed allowable event.

(6) Sufficient facts relating to the organization or the

organization's incorporation or founding to enable the commission to determine whether the organization is a qualified organization.

(7) The name of each proposed operator and sufficient facts relating to the proposed operator to enable the commission to determine whether the proposed operator is qualified to serve as an operator.

(8) A sworn statement signed by the presiding officer and secretary of the organization attesting to the eligibility of the organization for a license, including the nonprofit character of the organization.

(9) Any other information considered necessary by the commission.

(c) This subsection applies only to a qualified organization that conducts only one (1) allowable event in a calendar year. The commission may not require the inclusion in the qualified organization's application of the Social Security numbers of the workers who will participate in the qualified organization's proposed allowable event. A qualified organization that files an application described in this subsection must attach to the application a sworn statement signed by the presiding officer and secretary of the organization attesting that:

(1) the workers who will participate in the qualified organization's proposed allowable event are eligible to participate under this article; and

(2) the organization has not conducted any other allowable events in the calendar year.

As added by P.L.91-2006, SEC.3. Amended by P.L.94-2012, SEC.8.

IC 4-32.2-4-5

Issuance of license; hearings authorized; protest procedures; reissuance

Sec. 5. (a) The commission may issue a bingo license to a qualified organization if:

(1) the provisions of this section are satisfied; and

(2) the qualified organization:

(A) submits an application; and

(B) pays a fee set by the commission under IC 4-32.2-6.

(b) The commission may hold a public hearing to obtain input on the proposed issuance of an annual bingo license to an applicant that has never held an annual bingo license under this article.

(c) The first time that a qualified organization applies for an annual bingo license, the qualified organization shall publish notice that the application has been filed by publication at least two (2) times, seven (7) days apart, as follows:

(1) In one (1) newspaper in the county where the qualified organization is located.

(2) In one (1) newspaper in the county where the allowable

event will be conducted.

(d) The notification required by subsection (c) must contain the following:

(1) The name of the qualified organization and the fact that it has applied for an annual bingo license.

(2) The location where the bingo events will be held.

(3) The names of the operator and officers of the qualified organization.

(4) A statement that any person can protest the proposed issuance of the annual bingo license.

(5) A statement that the commission shall hold a public hearing if ten (10) written and signed protest letters are received by the commission.

(6) The address of the commission where correspondence concerning the application may be sent.

(e) If the commission receives at least ten (10) protest letters, the commission shall hold a public hearing in accordance with IC 5-14-1.5. The commission shall issue a license or deny the application not later than sixty (60) days after the date of the public hearing.

(f) A license issued under this section:

(1) may authorize the qualified organization to conduct bingo events on more than one (1) occasion during a period of one (1) year;

(2) must state the locations of the permitted bingo events;

(3) must state the expiration date of the license; and

(4) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee set by the commission.

(g) Notwithstanding subsection (f)(4), the commission may hold a public hearing for the reissuance of an annual bingo license if at least one (1) of the following conditions is met:

(1) An applicant has been cited for a violation of law or a rule of the commission.

(2) The commission receives at least ten (10) protest letters concerning the qualified organization's bingo operation.

(3) A public hearing is considered necessary by the commission.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.18.

IC 4-32.2-4-6

Special bingo license

Sec. 6. The commission may issue a special bingo license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:

(1) authorize the qualified organization to conduct a bingo event at only one (1) time and location; and

(2) state the date, beginning and ending times, and location of the authorized bingo event.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-4-7

Charity game night license

Sec. 7. The commission may issue a charity game night license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:

(1) authorize the qualified organization to conduct a charity game night at only one (1) time and location; and

(2) state the date, beginning and ending times, and location of the charity game night.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-4-7.5

Annual charity game night license

Sec. 7.5. (a) This section applies only to a qualified organization described in subsection (h). The commission may issue an annual charity game night license to a qualified organization if:

(1) the provisions of this section are satisfied; and

(2) the qualified organization:

(A) submits an application; and

(B) pays a fee set by the commission under IC 4-32.2-6.

(b) The commission may hold a public hearing to obtain input on the proposed issuance of an annual charity game night license to an applicant that has never held an annual charity game night license under this article.

(c) The first time that a qualified organization applies for an annual charity game night license, the qualified organization shall publish notice that the application has been filed by publication at least two (2) times, seven (7) days apart, as follows:

(1) In one (1) newspaper in the county where the qualified organization is located.

(2) In one (1) newspaper in the county where the allowable events will be conducted.

(d) The notification required by subsection (c) must contain the following:

(1) The name of the qualified organization and the fact that it has applied for an annual charity game night license.

(2) The location where the charity game night events will be held.

(3) The names of the operator and officers of the qualified organization.

(4) A statement that any person can protest the proposed

issuance of the annual charity game night license.

(5) A statement that the commission shall hold a public hearing if ten (10) written and signed protest letters are received by the commission.

(6) The address of the commission where correspondence concerning the application may be sent.

(e) If the commission receives at least ten (10) protest letters, the commission shall hold a public hearing in accordance with IC 5-14-1.5. The commission shall issue a license or deny the application not later than sixty (60) days after the date of the public hearing.

(f) A license issued under this section:

(1) may authorize the qualified organization to conduct charity game night events on more than one (1) occasion during a period of one (1) year;

(2) must state the locations of the permitted charity game night events;

(3) must state the expiration date of the license; and

(4) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee set by the commission.

(g) Notwithstanding subsection (f)(4), the commission may hold a public hearing for the reissuance of an annual charity game night license if at least one (1) of the following conditions is met:

(1) An applicant has been cited for a violation of law or a rule of the commission.

(2) The commission receives at least ten (10) protest letters concerning the qualified organization's charity game night operation.

(3) A public hearing is considered necessary by the commission.

(h) A qualified organization may apply for an annual charity game night license under this section if the qualified organization is:

(1) a bona fide fraternal organization; or

(2) a bona fide veterans organization;

that has been continuously in existence in Indiana for ten (10) years.

(i) A facility or location may not be used for purposes of conducting an annual charity game night event on more than three (3) calendar days per calendar week regardless of the number of qualified organizations conducting an annual charity game night event at the facility or location.

As added by P.L.227-2007, SEC.19. Amended by P.L.108-2009, SEC.7.

IC 4-32.2-4-8

Raffle license

Sec. 8. The commission may issue a raffle license to a qualified

organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:

(1) authorize the qualified organization to conduct a raffle event at only one (1) time and location; and

(2) state the date, beginning and ending times, and location of the raffle event.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.20.

IC 4-32.2-4-9

Annual raffle license

Sec. 9. (a) The commission may issue an annual raffle license to a qualified organization if:

(1) the provisions of this section are satisfied; and

(2) the qualified organization:

(A) submits an application; and

(B) pays a fee set by the commission under IC 4-32.2-6.

(b) The application for an annual raffle prize license must contain the following:

(1) The name of the qualified organization.

(2) The location where the raffle events will be held.

(3) The names of the operator and officers of the qualified organization.

(c) A license issued under this section:

(1) must authorize the qualified organization to conduct raffle events at any time during a period of one (1) year;

(2) must state the locations of the permitted raffle events;

(3) must state the expiration date of the license; and

(4) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee set by the commission.

(d) A license issued under this section is not required for raffles permitted under section 13 of this chapter at events held under a bingo license, a special bingo license, a charity game night license, a door prize license, or an annual door prize license.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.21; P.L.95-2008, SEC.6.

IC 4-32.2-4-10

Door prize license

Sec. 10. The commission may issue a door prize license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:

(1) authorize the qualified organization to conduct a door prize event at only one (1) time and location; and

(2) state the date, beginning and ending times, and location of the door prize event.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.22.

IC 4-32.2-4-11
Annual door prize license

Sec. 11. (a) The commission may issue an annual door prize license to a qualified organization if:

(1) the provisions of this section are satisfied; and

(2) the qualified organization:

(A) submits an application; and

(B) pays a fee set by the commission under IC 4-32.2-6.

(b) The application for an annual door prize license must contain the following:

(1) The name of the qualified organization.

(2) The location where the door prize events will be held.

(3) The names of the operator and officers of the qualified organization.

(c) A license issued under this section:

(1) may authorize the qualified organization to conduct door prize events on more than one (1) occasion during a period of one (1) year;

(2) must state the locations of the permitted door prize events;

(3) must state the expiration date of the license; and

(4) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee set by the commission.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.23.

IC 4-32.2-4-12
Festival license

Sec. 12. (a) The commission may issue a festival license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must authorize the qualified organization to conduct bingo events, charity game nights, raffle events, gambling events licensed under section 16 of this chapter, and door prize events and to sell pull tabs, punchboards, and tip boards. The license must state the location and the dates, not exceeding five (5) consecutive days, on which these activities may be conducted.

(b) Except as provided in IC 4-32.2-5-6(c), a qualified organization may not conduct more than one (1) festival each year.

(c) The raffle event authorized by a festival license is not subject to the prize limits set forth in this chapter. Bingo events, charity game nights, and door prize events conducted at a festival are subject

to the prize limits set forth in this chapter.
As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.24; P.L.104-2011, SEC.4.

IC 4-32.2-4-13
Additional activities authorized

Sec. 13. (a) A bingo license or special bingo license may also authorize a qualified organization to conduct raffle events and door prize drawings and sell pull tabs, punchboards, and tip boards at the bingo event.

(b) A charity game night license may also authorize a qualified organization to:

(1) conduct raffle events and door prize drawings; and

(2) sell pull tabs, punchboards, and tip boards;

at the charity game night.

(c) A raffle license or an annual raffle license may also authorize a qualified organization to conduct door prize drawings and sell pull tabs, punchboards, and tip boards at the raffle event.

(d) A door prize license or an annual door prize license may also authorize a qualified organization to conduct a raffle event and to sell pull tabs, punchboards, and tip boards at the door prize event.

(e) A PPT license may also authorize a qualified organization to conduct on the premises described in section 16.5(b) of this chapter winner take all drawings and other qualified drawings in the manner required by IC 4-32.2-5-26.
As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.25; P.L.95-2008, SEC.7; P.L.108-2009, SEC.8.

IC 4-32.2-4-13.5
Alcoholic beverage prizes

Sec. 13.5. A qualified organization that gives an alcoholic beverage as a prize at an allowable event shall comply with IC 7.1-3-6.1.
As added by P.L.153-2015, SEC.1.

IC 4-32.2-4-14
Multiple licenses

Sec. 14. Except as provided in IC 4-32.2-5-29, a qualified organization may hold more than one (1) license at a time.
As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.26; P.L.94-2012, SEC.9.

IC 4-32.2-4-15
Prohibition on limiting the number of organizations licensed

Sec. 15. The commission may not limit the number of qualified organizations licensed under this article.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-4-16
Other events authorized; conditions

Sec. 16. (a) This section applies to a gambling event that is described in neither:

(1) section 1(1) through 1(6) of this chapter; nor

(2) IC 4-32.2-2-12(b).

(b) The commission may issue a single event license or an annual event license to conduct a gambling event approved by the commission to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6.

(c) A single event license must:

(1) authorize the qualified organization to conduct the gambling event at only one (1) time and location; and

(2) state the date, beginning and ending times, and location of the gambling event.

(d) An annual event license:

(1) must authorize the qualified organization to conduct the events on more than one (1) occasion during a period of one (1) year;

(2) must state the locations of the permitted events;

(3) must state the expiration date of the license; and

(4) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee set by the commission.

(e) The commission may impose any condition upon a qualified organization that is issued a license to conduct a gambling event under this section.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.27.

IC 4-32.2-4-16.5
Annual PPT license

Sec. 16.5. (a) The commission may issue an annual PPT license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6.

(b) A license issued under this section authorizes a qualified organization to sell pull tabs, punchboards, and tip boards at any time on the premises owned or leased by the qualified organization and regularly used for the activities of the qualified organization.

(c) A license issued under this section is not required for the sale of pull tabs, punchboards, and tip boards at another allowable event as permitted under section 13 of this chapter.

(d) The application for an annual PPT license must contain the following:

(1) The name of the qualified organization.

(2) The location where the qualified organization will sell pull

tabs, punchboards, and tip boards.

(3) The names of the operator and the officers of the qualified organization.

As added by P.L.227-2007, SEC.28.

IC 4-32.2-4-17

Worker Social Security numbers

Sec. 17. A qualified organization described in section 4(c) of this chapter may not require an individual who wishes to participate in the qualified organization's allowable event as a worker to submit the individual's Social Security number to the qualified organization.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-4-18

Candidates' committees authorized to obtain raffle licenses and conduct door prize drawings at raffle events

Sec. 18. (a) With respect to any action authorized by this section, a candidate's committee (as defined in IC 3-5-2-7) is considered a bona fide political organization.

(b) A candidate's committee may apply for a license under section 8 of this chapter to conduct a raffle event. A candidate's committee may also conduct a door prize drawing at the raffle event but is prohibited from conducting any other kind of allowable event.

(c) The following are subject to this chapter and IC 4-32.2-6:

(1) A candidate's committee that applies for a license under section 8 of this chapter.

(2) A raffle event or door prize drawing conducted by a candidate's committee.

(d) The members of a candidate's committee may conduct an event under this section without meeting the requirements of this article concerning the membership of a qualified organization. A candidate's committee licensed under this section must remain in good standing with the election division or the county election board having jurisdiction over the committee.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.29.

IC 4-32.2-4-19

Annual comprehensive charity gaming license

Sec. 19. (a) An organization applying for an annual comprehensive charity gaming license must submit to the commission a written application on a form prescribed by the commission.

(b) The application must include the information the commission requires, including the following:

(1) The name and address of the organization.

(2) The names and addresses of the officers of the organization.

(3) The mailing address of each Indiana affiliate of the

organization.

(4) An estimate of the number and approximate locations of the raffle events and door prize events the organization's Indiana affiliates plan to conduct.

(5) Sufficient facts relating to the organization or the organization's incorporation or founding to enable the commission to determine whether the organization is a bona fide national organization or a bona fide national foundation.

(6) The name of each proposed operator and sufficient facts relating to the proposed operator to enable the commission to determine whether the proposed operator is qualified to serve as an operator.

(7) A sworn statement signed by the presiding officer and secretary of the organization attesting to the eligibility of the organization for a license, including the nonprofit character of the organization.

As added by P.L.94-2012, SEC.10.

IC 4-32.2-4-20

Annual comprehensive charity gaming license; events authorized

Sec. 20. (a) This section applies only to a qualified organization that is a:

(1) bona fide national organization;

(2) bona fide national foundation;

(3) bona fide state organization; or

(4) bona fide state foundation.

(b) The commission may issue an annual comprehensive charity gaming license to a qualified organization if:

(1) the provisions of this section are satisfied; and

(2) the organization:

(A) submits an application in compliance with section 19 of this chapter; and

(B) pays a fee in the amount set by IC 4-32.2-6.

(c) A license issued under this section:

(1) may authorize the qualified organization to conduct raffle events and door prize events through the organization's Indiana affiliates on more than one (1) occasion during a period of one (1) year;

(2) must state the expiration date of the license; and

(3) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee in the amount set by IC 4-32.2-6.

(d) A license issued under this section authorizes a qualified organization to:

(1) conduct door prize drawings at a raffle event held under the license; and

(2) conduct raffles at a door prize event held under the license.

As added by P.L.94-2012, SEC.11. Amended by P.L.253-2015, SEC.6.

IC 4-32.2-5

Chapter 5. Conduct of Allowable Events

IC 4-32.2-5-1

Criminal gambling statutes inapplicable to allowable events

Sec. 1. IC 35-45-5 does not apply to a person who conducts, participates in, or receives a prize in an allowable event.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-5-1.5

Designation of operator

Sec. 1.5. (a) For each allowable event conducted under this article, a qualified organization shall designate an individual to serve as the operator of the allowable event. An individual designated under this section:

(1) must be qualified to serve as an operator under this article; and

(2) in the case of a qualified organization holding an annual comprehensive charity gaming license issued under IC 4-32.2-4-20, must be a member of the Indiana affiliate conducting the particular event.

(b) A qualified organization holding an annual comprehensive charity gaming license may do the following:

(1) Designate an individual qualified under subsection (a)(2) to serve as the operator of raffle events and door prize events conducted by two (2) or more Indiana affiliates of the qualified organization.

(2) Designate a full-time employee of the qualified organization as the operator of a raffle or door prize event conducted by an Indiana affiliate of the qualified organization if the employee is qualified under subsection (a)(2).

As added by P.L.95-2008, SEC.8. Amended by P.L.94-2012, SEC.12.

IC 4-32.2-5-2

Management and conduct of events

Sec. 2. A qualified organization may not contract or otherwise enter into an agreement with an individual, a corporation, a partnership, a limited liability company, or other association to conduct an allowable event for the benefit of the organization. A qualified organization shall use only operators and workers meeting the requirements of this chapter to manage and conduct an allowable event.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-5-3

Use and determination of net proceeds

Sec. 3. (a) All net proceeds from an allowable event and related activities may be used only for the lawful purposes of the qualified

organization.

(b) To determine the net proceeds from an allowable event, a qualified organization shall subtract the following from the gross receipts received from the allowable event:

(1) An amount equal to the total value of the prizes, including door prizes, awarded at the allowable event.

(2) The sum of the purchase prices paid for licensed supplies dispensed at the allowable event.

(3) An amount equal to the qualified organization's license fees attributable to the allowable event.

(4) An amount equal to the advertising expenses incurred by the qualified organization to promote the allowable event.

(5) An amount not to exceed two hundred dollars ($200) per day for rent paid for facilities leased for an allowable event.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.30.

IC 4-32.2-5-4

Donation of gross charity gaming receipts

Sec. 4. (a) A qualified organization that receives ninety percent (90%) or more of the organization's total gross receipts from any events licensed under this article is required to donate sixty percent (60%) of its gross charitable gaming receipts less prize payout to a qualified recipient that is not an affiliate, a parent, or a subsidiary organization of the qualified organization.

(b) For purposes of this section, a veterans' home is not considered to be an affiliate, a parent, or a subsidiary organization of a qualified organization that is a bona fide veterans organization.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-5-5

Financial records; deposit of funds; payment of expenses; audits

Sec. 5. (a) A qualified organization shall maintain accurate records of all financial aspects of an allowable event under this article. A qualified organization shall make accurate reports of all financial aspects of an allowable event to the commission within the time established by the commission. The commission may prescribe forms for this purpose. A qualified organization conducting raffle events and door prize events under an annual comprehensive charity gaming license issued under IC 4-32.2-4-20 shall comply with the reporting requirements of this subsection in the manner specified by subsection (d). For purposes of this section, a qualified organization is not required to record the name, signature, driver's license number, or other identifying information of a prize winner unless the qualified organization is required to withhold adjusted gross income tax from the prize winner under IC 6-3-4-8.2(d).

(b) The commission shall, by rule, require a qualified organization to deposit funds received from an allowable event in a separate and

segregated account set up for that purpose. A qualified organization conducting raffle events and door prize events under an annual comprehensive charity gaming license shall deposit the funds received from each raffle or door prize event conducted by its separate Indiana affiliates into a single account maintained by a financial institution physically located in Indiana. All expenses of the qualified organization with respect to an allowable event shall be paid from the separate account.

(c) The commission may require a qualified organization to submit any records maintained under this section for an independent audit by a certified public accountant selected by the commission. A qualified organization must bear the cost of any audit required under this section.

(d) The following reports must be submitted to the commission with respect to the raffle events and door prize events conducted under an annual comprehensive charity gaming license:

(1) An event summary report for each raffle or door prize event conducted under the license. Reports required under this subdivision may be submitted by the Indiana affiliate of the qualified organization.

(2) One (1) annual license financial report.

(3) One (1) annual license gross receipts report.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.31; P.L.60-2009, SEC.3; P.L.94-2012, SEC.13.

IC 4-32.2-5-6
Event limit

Sec. 6. (a) Except as provided in section 29 of this chapter, IC 4-32.2-4-9, and IC 4-32.2-4-16.5, a qualified organization may not conduct more than three (3) allowable events during a calendar week and not more than one (1) allowable event each day.

(b) Except as provided in section 29 of this chapter, IC 4-32.2-4-9, IC 4-32.2-4-12, and IC 4-32.2-4-16.5, allowable events may not be held on more than two (2) consecutive days.

(c) A qualified organization may conduct one (1) additional festival event during each six (6) months of a calendar year.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.32; P.L.95-2008, SEC.9; P.L.94-2012, SEC.14.

IC 4-32.2-5-7
Repealed

(As added by P.L.91-2006, SEC.3. Repealed by P.L.227-2007, SEC.70.)

IC 4-32.2-5-8
Leasing facilities and personal property

Sec. 8. (a) If a facility or location is leased for an allowable event, the rent may not be based in whole or in part on the revenue

generated from the event.

(b) Subject to the additional restrictions on the use of a facility or location that are set forth in IC 4-32.2-4-7.5(i), a facility or location may not be rented for more than three (3) days during a calendar week for an allowable event.

(c) If personal property is leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.33; P.L.108-2009, SEC.9.

IC 4-32.2-5-9

Restriction on events at same location

Sec. 9. Not more than one (1) qualified organization may conduct an allowable event on the same day at the same location.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-5-10

Prohibition on felons as operators and workers; exceptions

Sec. 10. An operator or a worker may not be a person who has been convicted of or entered a plea of nolo contendere to a felony committed in the preceding ten (10) years, regardless of the adjudication, unless the commission determines that:

(1) the person has been pardoned or the person's civil rights have been restored; or

(2) after the conviction or entry of the plea, the person has engaged in the kind of good citizenship that would reflect well upon the integrity of the qualified organization and the commission.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-5-11

Prohibition on commission employees and relatives as operators, workers, or volunteer ticket agents

Sec. 11. An employee of the commission or a relative living in the same household with the employee of the commission may not be an operator, a worker, or a volunteer ticket agent.

As added by P.L.91-2006, SEC.3. Amended by P.L.104-2011, SEC.5.

IC 4-32.2-5-12

Remuneration of operators, workers, volunteer ticket agents, and certain employees prohibited

Sec. 12. (a) Except as provided in subsection (b) or (c), an operator, a worker, or a volunteer ticket agent who is not a full-time employee may not receive remuneration for:

(1) conducting; or

(2) assisting in conducting;

an allowable event.

(b) A qualified organization that conducts an allowable event may:

(1) provide meals for the operators and workers during the allowable event; and

(2) provide recognition dinners and social events for the operators and workers;

if the value of the meals and social events does not constitute a significant inducement to participate in the conduct of the allowable event.

(c) In the case of a qualified organization holding a PPT license, any employee of the qualified organization may:

(1) participate in the sale and redemption of pull tabs, punchboards, and tip boards on the premises of the qualified organization; and

(2) receive the remuneration ordinarily provided to the employee in the course of the employee's employment.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.34; P.L.104-2011, SEC.6.

IC 4-32.2-5-13

Operators; limitations and requirements

Sec. 13. (a) For purposes of this section, the Indiana affiliates of a qualified organization holding an annual comprehensive charity gaming license issued under IC 4-32.2-4-20 are not considered separate qualified organizations.

(b) An individual may not be an operator for more than three (3) qualified organizations during a calendar month.

(c) If an individual has previously served as an operator for another qualified organization, the commission may require additional information concerning the proposed operator to satisfy the commission that the individual is a bona fide member of the qualified organization.

As added by P.L.91-2006, SEC.3. Amended by P.L.60-2009, SEC.4; P.L.94-2012, SEC.15.

IC 4-32.2-5-14

Participation of operators and workers prohibited; exceptions

Sec. 14. (a) Except as provided by subsections (c) through (e), an operator or a worker may not directly or indirectly participate, other than in a capacity as an operator or a worker, in an allowable event that the operator or worker is conducting.

(b) A patron at a charity game night may deal the cards in a card game if:

(1) the card game in which the patron deals the cards is a qualified card game;

(2) the patron deals the cards in the manner required in the ordinary course of the qualified card game; and

(3) the qualified card game is played under the supervision of

the qualified organization conducting the charity game night in accordance with section 14.5 of this chapter (in the case of a game of Texas hold'em poker or Omaha poker) and any rules adopted by the commission under IC 4-32.2-3-3.

A patron who deals the cards in a qualified card game conducted under this subsection is not considered a worker or an operator for purposes of this article.

(c) A worker at a festival event may participate as a player in any gaming activity offered at the festival event except as follows:

(1) A worker may not participate in any game during the time in which the worker is conducting or helping to conduct the game.

(2) A worker who conducts or helps to conduct a pull tab, punchboard, or tip board event during a festival event may not participate as a player in a pull tab, punchboard, or tip board event conducted on the same calendar day.

(d) A worker at a bingo event:

(1) whose duties are limited to:

(A) selling bingo supplies;

(B) selling tickets for a door prize drawing or raffle conducted at the bingo event; or

(C) the duties described in both clauses (A) and (B);

(2) who has completed all of the worker's duties before the start of the first bingo game of the bingo event; and

(3) who is not engaged as a worker at any other time during the bingo event;

may participate as a player in any gaming activity offered at the bingo event following the completion of the worker's duties at the bingo event.

(e) A worker at a raffle event conducted by a qualified organization holding an annual comprehensive charity gaming license issued under IC 4-32.2-4-20 may purchase a raffle ticket for a particular drawing at the raffle event unless:

(1) the worker personally sold tickets for; or

(2) the worker otherwise personally participated in the conduct of;

that particular drawing.

As added by P.L.91-2006, SEC.3. Amended by P.L.95-2008, SEC.10; P.L.60-2009, SEC.5; P.L.108-2009, SEC.10; P.L.104-2011, SEC.7; P.L.94-2012, SEC.16.

IC 4-32.2-5-14.5

Rules for dealing cards in Texas hold'em poker and Omaha poker

Sec. 14.5. The following rules apply when a patron at a charity game night deals the cards in a game of Texas hold'em poker or Omaha poker under section 14(b) of this chapter:

(1) Patrons may take turns dealing, but a patron may not play in a hand for which the patron deals the cards.

(2) The dealer shall submit the deck of cards to be cut to the nearest player to the right of the dealer.

(3) A blank card must be at the bottom of the deck of cards.

(4) The operator or a worker shall deal the cards at the final table of a tournament.

As added by P.L.94-2012, SEC.17.

IC 4-32.2-5-15

Operator membership requirement

Sec. 15. Except as provided in section 15.5 of this chapter, an operator must be a member in good standing of the qualified organization that is conducting the allowable event for at least one (1) year at the time of the allowable event.

As added by P.L.91-2006, SEC.3. Amended by P.L.94-2012, SEC.18.

IC 4-32.2-5-15.5

Bona fide national foundations; membership of operators and workers

Sec. 15.5. (a) This section applies only to a qualified organization that is a bona fide national foundation.

(b) For purposes of section 15 of this chapter, an individual is considered a member in good standing of the qualified organization and an Indiana affiliate of the qualified organization if the individual meets the following criteria:

(1) The individual is an Indiana resident.

(2) The individual has been a member in good standing of a bona fide national organization that is related to the bona fide national foundation for at least one (1) year.

(3) The individual's authority to serve as an operator for the qualified organization has been acknowledged by the qualified organization on a form prescribed by the commission.

(c) For purposes of section 16(a) of this chapter, an individual is considered a member in good standing of the qualified organization and an Indiana affiliate of the qualified organization if the individual meets the following criteria:

(1) The individual is an Indiana resident.

(2) The individual has been a member in good standing of a bona fide national organization that is related to the bona fide national foundation for at least thirty (30) days.

(3) The individual's authority to serve as a worker for the qualified organization has been acknowledged by the qualified organization on a form prescribed by the commission.

As added by P.L.94-2012, SEC.19.

IC 4-32.2-5-16

Worker membership requirement; exception; shared revenues

Sec. 16. (a) Except as provided in:

(1) section 12(c) of this chapter;

(2) section 15.5 of this chapter; and
(3) subsection (b);
a worker at an allowable event must be a member in good standing of the qualified organization that is conducting the allowable event for at least thirty (30) days at the time of the allowable event.

(b) A qualified organization may allow an individual who is not a member of the qualified organization to participate in an allowable event as a worker if the individual is a full-time employee of the qualified organization that is conducting the allowable event; or if:
(1) the individual is a member of another qualified organization; and
(2) the individual's participation is approved by the commission.
A qualified organization may apply to the commission on a form prescribed by the commission for approval of the participation of a nonmember under this subsection. A qualified organization may share the proceeds of an allowable event with the qualified organization in which a worker participating in the allowable event under this subsection is a member. The tasks that will be performed by an individual participating in an allowable event under this subsection and the amounts shared with the individual's qualified organization must be described in the application and approved by the commission.

(c) For purposes of:
(1) the licensing requirements of this article; and
(2) section 9 of this chapter;
a qualified organization that receives a share of the proceeds of an allowable event described in subsection (b) is not considered to be conducting an allowable event.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.35; P.L.60-2009, SEC.6; P.L.94-2012, SEC.20.

IC 4-32.2-5-17
Bingo event prize limits

Sec. 17. (a) The prize for:
(1) one (1) bingo game may not have a value of more than one thousand dollars ($1,000); and
(2) a progressive bingo game may not have a value of more than two thousand dollars ($2,000).

(b) Except as provided in subsection (c), the total prizes permitted at one (1) bingo event may not have a value of more than six thousand dollars ($6,000).

(c) The commission may, by express authorization, allow any qualified organization to conduct two (2) bingo events each year at which the total prizes for the bingo event may not exceed ten thousand dollars ($10,000). Bingo events authorized under this subsection may be conducted at a festival conducted under IC 4-32.2-4-12.

(d) The proceeds of the sale of pull tabs, punchboards, and tip

boards are not included in the total prize limit at a bingo event.

(e) The value of all door prizes awarded at a bingo event may not have a value of more than one thousand five hundred dollars ($1,500).

As added by P.L.91-2006, SEC.3. Amended by P.L.253-2015, SEC.7.

IC 4-32.2-5-18

Raffle event prize limits

Sec. 18. (a) The total prizes for a raffle event conducted at another allowable event may not have a value of more than five thousand dollars ($5,000). However, the commission may, by express authorization, allow a qualified organization to conduct one (1) raffle event at another allowable event each year at which the total prizes for the raffle event may not exceed twenty-five thousand dollars ($25,000). The sale of pull tabs, punchboards, and tip boards is not included in the total prize limit at a raffle event.

(b) The value of all door prizes awarded at a raffle event may not have a value of more than one thousand five hundred dollars ($1,500).

(c) The prize limits set forth in subsection (a) do not apply to a raffle event that is not conducted at another allowable event.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-5-19

Door prize event prize limits

Sec. 19. The total prizes for a door prize event may not have a value of more than five thousand dollars ($5,000). However, the commission may, by express authorization, allow a qualified organization to conduct one (1) door prize event each year at which the total prizes for the door prize event may not exceed twenty thousand dollars ($20,000). The proceeds of the sale of pull tabs, punchboards, and tip boards are not included in the total prize limit at a door prize event.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-5-20

Pull tab, punchboard, tip board, and seal card prize limits; selling prices

Sec. 20. (a) The total prizes awarded for one (1) pull tab, punchboard, or tip board game may not exceed ten thousand dollars ($10,000).

(b) A single prize awarded:

(1) for one (1) winning ticket in a pull tab, punchboard, or tip board game may not exceed five hundred ninety-nine dollars ($599);

(2) in a game using a seal card may not exceed one thousand dollars ($1,000); and

(3) in a progressive or carryover pull tab game may not exceed

five thousand dollars ($5,000).

(c) The selling price for one (1) ticket for a pull tab, punchboard, or tip board game may not exceed one dollar ($1).

As added by P.L.91-2006, SEC.3. Amended by P.L.253-2015, SEC.8.

IC 4-32.2-5-21

Prohibited participants

Sec. 21. (a) Except as provided in subsection (b), the following persons may not play or participate in any manner in an allowable event:

(1) A member or an employee of the commission.

(2) A person less than eighteen (18) years of age.

(b) A person less than eighteen (18) years of age may sell tickets or chances for a raffle.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-5-22

Restrictions on employees, officers, and owners of manufacturers and distributors

Sec. 22. An employee, officer, or owner of a manufacturer or distributor is prohibited from participating in or affiliating in any way with the charity gaming operations of a qualified organization of which the employee, officer, or owner is a member.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.36.

IC 4-32.2-5-23

Radio advertising

Sec. 23. An advertisement for an allowable event in radio broadcast media must announce, within the advertisement, the name of the qualified organization conducting the allowable event and that the qualified organization's license number is on file.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-5-24

Patron information; information required to award pull tab, punchboard, or tip board prizes of $250 or more; information for federal income tax reporting

Sec. 24. (a) Except as provided in subsections (b) and (c), the following apply to an allowable event:

(1) A charity gaming patron is not required to submit to a qualified organization the patron's name, signature, driver's license number, or other identifying information.

(2) A qualified organization is not required to obtain a patron's name, signature, driver's license number, or other identifying information.

(b) A prize of two hundred fifty dollars ($250) or more may not be awarded to a winner of a pull tab, punchboard, or tip board game

unless:

(1) the winner provides the winner's printed name, signature, and date of birth to the qualified organization conducting the pull tab, punchboard, or tip board game; and

(2) the qualified organization verifies the identity of the prize winner using any reasonable means the qualified organization considers necessary.

(c) If a qualified organization is required to report a patron's gambling winnings to the Internal Revenue Service for federal income tax purposes, the winning patron shall provide the qualified organization with the information necessary to comply with all applicable state and federal tax laws.

As added by P.L.60-2009, SEC.7.

IC 4-32.2-5-25

Obtaining supplies; paying for supplies

Sec. 25. (a) Except as provided in subsection (b), a qualified organization shall obtain licensed supplies from an entity licensed by the commission as a distributor.

(b) Subsection (a) does not apply to a reusable licensed supply:

(1) constructed, purchased, or otherwise obtained by a qualified organization before January 1, 2009; or

(2) borrowed at any time from another qualified organization.

(c) A qualified organization may pay for licensed supplies only with a check drawn on or by an electronic funds transfer from the qualified organization's gaming account.

As added by P.L.60-2009, SEC.8. Amended by P.L.253-2015, SEC.9.

IC 4-32.2-5-25.3

Obtaining supplies; providing supplies

Sec. 25.3. (a) A licensed distributor may obtain licensed supplies to be used in charity gaming only from an entity licensed by the commission as a manufacturer or distributor unless the supplies are obtained from a qualified organization if:

(1) the qualified organization has ceased gaming;

(2) the qualified organization is upgrading equipment; or

(3) the licensed distributor notifies and obtains permission from the commission.

(b) A licensed distributor may provide supplies to be used in charity gaming only to:

(1) a qualified organization that has obtained a license from the commission to conduct allowable events; or

(2) a qualified organization that is exempt from obtaining a license under IC 4-32.2-4-3.

As added by P.L.253-2015, SEC.10.

IC 4-32.2-5-26

Conduct of qualified drawings

Sec. 26. (a) A qualified drawing must be conducted in the manner required by this section.

(b) A qualified drawing is subject to the following rules and limitations:

(1) The purchase price for a chance to win a prize in a qualified drawing may not exceed five dollars ($5).

(2) The total value of all prizes that may be won in a particular qualified drawing may not exceed three hundred dollars ($300) for any of the following:

(A) A daily drawing.

(B) A weekly drawing.

(C) A monthly drawing.

(3) A qualified drawing must be conducted in accordance with the following limitations:

(A) Not more than one (1) daily drawing may be conducted each day.

(B) Not more than one (1) weekly drawing may be conducted each week.

(C) Not more than one (1) monthly drawing may be conducted each month.

(D) Weekly drawings must be held on regular seven (7) day intervals posted in the information required by subdivision (11).

(E) Monthly drawings must be held on regular monthly intervals posted in the information required by subdivision (11).

A weekly or monthly drawing may be conducted on the same day that a daily drawing is conducted.

(4) Except as otherwise provided in this section, a patron must be present to claim a prize awarded in a qualified drawing.

(5) A qualified organization may not profit from conducting a qualified drawing.

(6) All amounts wagered on qualified drawings must be returned to a qualified organization's patrons in the form of prizes.

(7) A qualified organization may not conduct a qualified drawing or any other event in which the winner of the prize is determined, in whole or in part, by a sporting event.

(8) If no winning ticket is drawn in a qualified drawing, a qualified organization may:

(A) carry the prize over to a later drawing in accordance with this section; or

(B) continue drawing tickets until a winner is drawn.

(9) If a patron who purchased a winning ticket is not present to claim a prize at the time of the qualified drawing, a qualified organization shall hold the prize for the winning patron in accordance with the rules of the qualified organization.

(10) In order to comply with subdivision (9), a qualified

organization shall obtain the name, address, and telephone number of each patron who purchases a ticket for a qualified drawing.

(11) A qualified organization must conspicuously display the following information concerning each qualified drawing conducted by the qualified organization:

(A) The price of a ticket.

(B) The time of the drawing.

(C) The description and value of the prizes awarded in the drawing.

(D) The manner in which a prize may be claimed.

(E) The rules of the qualified organization concerning the following:

(i) Qualified drawings in which no winning ticket is drawn.

(ii) The period that the qualified organization will hold a prize for a winning patron who was not present to claim the prize at the time of the qualified drawing.

(12) Notwithstanding any other provision of this chapter, a qualified organization must continue drawing tickets in a monthly drawing until the qualified organization draws a ticket purchased by a patron who is present to claim the prize.

(c) When the winning patron is not present at the time of the qualified drawing to claim a prize, the qualified organization shall award the prize in the following manner:

(1) The qualified organization shall immediately notify the winning patron by telephone that the patron's name was drawn in a qualified drawing and that the patron has the time permitted by the rules of the qualified organization, which must be at least seventy-two (72) hours, to claim the prize.

(2) The winning patron must appear at the premises of the qualified organization within the time permitted by the rules of the qualified organization to claim the prize in person.

(3) The qualified organization shall verify the identity of the winning patron and award the prize.

(d) This subsection applies when the rules of a qualified organization require the qualified organization to carry over a prize when no winning ticket is drawn and when a winning patron fails to claim a prize in the manner required by subsection (c). The qualified organization shall carry the prize over to a later qualified drawing as follows:

(1) An unclaimed prize from a daily drawing must be carried over to the next daily drawing.

(2) Subject to the prize limits set forth in subsection (b)(2), a qualified organization may carry over a prize under subdivision (1) not more than fourteen (14) times. On the fourteenth calendar day to which a prize has been carried over, the qualified organization must continue drawing tickets until the

qualified organization draws a ticket purchased by a patron who is present to claim the prize.

(3) An unclaimed prize from a weekly drawing must be carried over to the next weekly drawing.

(4) Subject to the prize limits set forth in subsection (b)(2), a qualified organization may carry over a prize under subdivision (3) not more than one (1) time. On the day that the qualified organization conducts a weekly drawing for the carried over prize, the qualified organization must continue drawing tickets until the qualified organization draws a ticket purchased by a patron who is present to claim the prize.

(e) The following apply to a qualified organization that carries over a prize under subsection (d):

(1) A qualified organization may conduct the daily drawing regularly scheduled for a calendar day occurring during the time that the qualified organization holds a prize for a winning patron who was not present at the time of a qualified drawing.

(2) If an unclaimed prize from a daily drawing is carried over to a particular date, the qualified organization may not conduct the regular daily drawing that would otherwise be permitted under this section on that date.

(3) If an unclaimed prize from a weekly drawing is carried over to a particular date, the qualified organization may not conduct the regular weekly drawing that would otherwise be permitted under this section on that date.

(4) Subject to the prize limits set forth in subsection (b)(2), a qualified organization may accept additional entries to a drawing for a carried over prize.

As added by P.L.108-2009, SEC.11.

IC 4-32.2-5-27

Rules governing the use of volunteer ticket agents

Sec. 27. The following apply to a qualified organization's use of a volunteer ticket agent:

(1) Before using volunteer ticket agents to sell tickets to an allowable event, a qualified organization shall provide a list containing the following information to the commission:

(A) The name, address, and telephone number of each retail establishment whose employees will serve as volunteer ticket agents.

(B) The name of the general manager of each retail establishment listed under clause (A).

(2) A volunteer ticket agent may not sell pull tabs, punchboards, or tip boards.

(3) A volunteer ticket agent is not required to be a member in good standing of the qualified organization.

(4) A volunteer ticket agent may participate as a patron in any allowable event conducted by the qualified organization.

(5) A qualified organization must include on each ticket or entry sold by a volunteer ticket agent the name of the qualified organization, the date of the allowable event, and a valid license number for the allowable event.

(6) All tickets sold by volunteer ticket agents must be numbered sequentially.

(7) After tickets to the allowable event are sold, the qualified organization shall provide to the commission the name, address, and telephone number of each person who served as a volunteer ticket agent.

As added by P.L.104-2011, SEC.8.

IC 4-32.2-5-28
Acceptance of credit cards

Sec. 28. (a) Subject to subsection (b), a qualified organization may accept credit cards at an allowable event for the purchase of:

(1) food and beverages;

(2) merchandise; and

(3) retail goods and services offered at a benefit auction.

(b) A qualified organization may not accept credit cards or extend credit to a player for the purchase of a:

(1) chance to play any game of chance offered at an allowable event; or

(2) licensed supply.

As added by P.L.104-2011, SEC.9.

IC 4-32.2-5-29
Conduct of events under an annual comprehensive charity gaming license

Sec. 29. (a) This section applies only to a qualified organization holding an annual comprehensive charity gaming license issued under IC 4-32.2-4-20.

(b) An Indiana affiliate of a qualified organization may conduct a raffle or door prize event without obtaining a separate license for itself. A raffle or door prize event conducted by the Indiana affiliate is considered an event conducted by the qualified organization.

(c) A qualified organization may conduct events under an annual comprehensive charity gaming license on more than two (2) consecutive days.

(d) An Indiana affiliate of the qualified organization may not conduct a raffle or door prize event under an annual comprehensive charity gaming license until the affiliate has been in existence in Indiana for one (1) year.

(e) Unless otherwise expressly provided, a requirement imposed upon the conduct of an allowable event by:

(1) this article; or

(2) the rules of the commission;

applies to the conduct of a raffle or door prize event under an annual

comprehensive charity gaming license.

(f) The following limitations apply to a qualified organization holding an annual comprehensive charity gaming license:

(1) The qualified organization may not conduct more than ten (10) events under the annual comprehensive charity gaming license per week through any combination of its Indiana affiliates.

(2) The qualified organization may not hold another license issued under IC 4-32.2-4-8, IC 4-32.2-4-9, IC 4-32.2-4-10, or IC 4-32.2-4-11 while holding the annual comprehensive charity gaming license.

(3) Except as provided by section 31 of this chapter, the Indiana affiliates of the qualified organization may not hold another license issued under IC 4-32.2-4-8, IC 4-32.2-4-9, IC 4-32.2-4-10, or IC 4-32.2-4-11 while the qualified organization holds the annual comprehensive charity gaming license.

As added by P.L.94-2012, SEC.21. Amended by P.L.253-2015, SEC.11.

IC 4-32.2-5-30

Notice of event conducted under an annual comprehensive charity gaming license

Sec. 30. (a) A qualified organization conducting a raffle or door prize event under an annual comprehensive charity gaming license issued under IC 4-32.2-4-20 shall provide notice of the allowable event to the commission at least twenty-one (21) days before the day of the raffle or door prize event. The notice provided under this section must be on a form prescribed by the commission and must include the following information:

(1) The name and address of the Indiana affiliate conducting the raffle or door prize event.

(2) The names and addresses of the officers of the Indiana affiliate.

(3) Whether the Indiana affiliate will conduct a raffle event or a door prize event.

(4) The location where the Indiana affiliate will conduct the raffle or door prize event.

(5) The dates and times for the raffle or door prize event.

(6) The name of the operator of the raffle or door prize event.

(7) The signature of the presiding officer of the Indiana affiliate conducting the raffle or door prize event.

(b) A qualified organization conducting a raffle or door prize event under an annual comprehensive charity gaming license issued under IC 4-32.2-4-20 may not sell tickets for the raffle or door prize event before providing notice of the raffle or door prize event to the commission under subsection (a).

As added by P.L.94-2012, SEC.22.

IC 4-32.2-5-31

Election to participate in charity gaming independently of a parent bona fide national organization's annual comprehensive charity gaming license

Sec. 31. (a) This section applies only to an organization that is an Indiana affiliate of a bona fide national organization.

(b) An organization may elect not to participate in charity gaming under an annual comprehensive charity gaming license obtained by the organization's parent bona fide national organization under IC 4-32.2-4-20. The organization shall provide notice of the election to the commission on a form prescribed by the commission.

(c) An election under this section disqualifies the organization from conducting a raffle event or door prize event under the parent organization's annual comprehensive charity gaming license for the term of the license.

(d) An organization making an election under this section may participate in charity gaming if qualified and licensed under this article in its own right. Except as provided in subsection (e), an organization making an election under this section:

(1) is considered a separate qualified organization from its parent bona fide national organization; and

(2) is not considered an Indiana affiliate of the parent bona fide national organization.

(e) For purposes of determining under IC 4-32.2-6-2(b) or IC 4-32.2-6-3(d) and IC 4-32.2-6-3.5, the amount of the fee for the issuance or renewal of an annual comprehensive charity gaming license, an organization making an election under this section is considered an Indiana affiliate of the parent bona fide national organization.

As added by P.L.94-2012, SEC.23.

IC 4-32.2-6
Chapter 6. License Fees

IC 4-32.2-6-0.5
"Gross revenue"

Sec. 0.5. As used in this chapter, "gross revenue" does not include any amount wagered on winner take all and other qualified drawings conducted by a qualified organization under IC 4-32.2-5-26.

As added by P.L.95-2008, SEC.11. Amended by P.L.108-2009, SEC.12.

IC 4-32.2-6-1
License fees required

Sec. 1. The commission shall charge a license fee to an applicant under this article.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-6-2
Initial license fee

Sec. 2. (a) The license fee that is charged to a qualified organization in the first year that the qualified organization applies for a license is:

(1) fifty dollars ($50); or

(2) the amount determined under subsection (b) for a qualified organization issued an annual comprehensive charity gaming license for the first time.

(b) When a qualified organization is issued an annual comprehensive charity gaming license under IC 4-32.2-4-20 for the first time, the initial license fee is determined as follows:

(1) The fee is an amount equal to fifty dollars ($50) per Indiana affiliate in the case of a qualified organization that:

(A) has not previously conducted an allowable event; and

(B) consists of Indiana affiliates that have not previously conducted any allowable events.

(2) In the case of a qualified organization that includes at least one (1) Indiana affiliate that conducted an allowable event before the date the qualified organization applies for an annual comprehensive charity gaming license, the fee is equal to the greatest of the following:

(A) An amount equal to the sum of the license renewal fees determined under section 3(c) of this chapter for the organization's Indiana affiliates in 2011.

(B) An amount equal to the sum of the license renewal fees determined under section 3(c) of this chapter for the organization's Indiana affiliates during the twelve (12) month period ending on the date the qualified organization's license application is filed.

(C) Fifty dollars ($50) per Indiana affiliate.

As added by P.L.91-2006, SEC.3. Amended by P.L.94-2012, SEC.24.

IC 4-32.2-6-3
License renewal fee schedule

Sec. 3. (a) This subsection does not apply to the renewal of a license issued under IC 4-32.2-4-6, IC 4-32.2-4-7, IC 4-32.2-4-8, IC 4-32.2-4-10, IC 4-32.2-4-12, or IC 4-32.2-4-20, or a single event license issued under IC 4-32.2-4-16. A qualified organization's adjusted gross revenue is an amount equal to the difference between:

(1) the qualified organization's total gross revenue from allowable events in the preceding year; minus

(2) the sum of any amounts deducted under IC 4-32.2-5-3(b)(5) in the preceding year.

(b) This subsection applies only to the renewal of a license issued under IC 4-32.2-4-6, IC 4-32.2-4-7, IC 4-32.2-4-8, IC 4-32.2-4-10, or IC 4-32.2-4-12, or a single event license issued under IC 4-32.2-4-16. A qualified organization's adjusted gross revenue is an amount equal to the difference between:

(1) the qualified organization's total gross revenue from the preceding event; minus

(2) any amount deducted under IC 4-32.2-5-3(b)(5) for the preceding event.

(c) This subsection does not apply to the renewal of an annual comprehensive charity gaming license issued under IC 4-32.2-4-20. The license fee that is charged to a qualified organization that renews a license is equal to the amount determined according to the following schedule using the adjusted gross revenue of the qualified organization as specified by subsection (a) or (b), as applicable:

Class	Adjusted Gross Revenues		Fee
	At Least	But Less Than	
A	$ 0	$ 15,000	$ 50
B	$ 15,000	$ 25,000	$ 100
C	$ 25,000	$ 50,000	$ 300
D	$ 50,000	$ 75,000	$ 400
E	$ 75,000	$ 100,000	$ 700
F	$ 100,000	$ 150,000	$ 1,000
G	$ 150,000	$ 200,000	$ 1,500
H	$ 200,000	$ 250,000	$ 1,800
I	$ 250,000	$ 300,000	$ 2,500
J	$ 300,000	$ 400,000	$ 3,250
K	$ 400,000	$ 500,000	$ 5,000
L	$ 500,000	$ 750,000	$ 6,750
M	$ 750,000	$ 1,000,000	$ 9,000
N	$ 1,000,000	$ 1,250,000	$ 11,000
O	$ 1,250,000	$ 1,500,000	$ 13,000
P	$ 1,500,000	$ 1,750,000	$ 15,000
Q	$ 1,750,000	$ 2,000,000	$ 17,000
R	$ 2,000,000	$ 2,250,000	$ 19,000

S	$ 2,250,000	$ 2,500,000	$ 21,000
T	$ 2,500,000	$ 3,000,000	$ 24,000
U	$ 3,000,000		$ 26,000

(d) This subsection applies only to the renewal of an annual comprehensive charity gaming license issued under IC 4-32.2-4-20. The license fee that is charged to a qualified organization that renews a license is equal to the amount determined according to the following schedule using the aggregate adjusted gross revenue of the Indiana affiliates of the qualified organization as specified by section 3.5 of this chapter:

Class	Adjusted Gross Revenues		Fee
	At Least	But Less Than	
A	$ 0	$ 15,000	$ 50
B	$ 15,000	$ 25,000	$ 100
C	$ 25,000	$ 50,000	$ 300
D	$ 50,000	$ 75,000	$ 400
E	$ 75,000	$ 100,000	$ 700
F	$ 100,000	$ 150,000	$ 1,000
G	$ 150,000	$ 200,000	$ 1,500
H	$ 200,000	$ 250,000	$ 1,800
I	$ 250,000	$ 300,000	$ 2,500
J	$ 300,000	$ 400,000	$ 3,250
K	$ 400,000	$ 500,000	$ 5,000
L	$ 500,000	$ 750,000	$ 6,750
M	$ 750,000	$ 1,000,000	$ 9,000
N	$ 1,000,000	$ 1,250,000	$ 11,000
O	$ 1,250,000	$ 1,500,000	$ 13,000
P	$ 1,500,000	$ 1,750,000	$ 15,000
Q	$ 1,750,000	$ 2,000,000	$ 17,000
R	$ 2,000,000	$ 2,250,000	$ 19,000
S	$ 2,250,000	$ 2,500,000	$ 21,000
T	$ 2,500,000	$ 3,000,000	$ 24,000
U	$ 3,000,000		$ 26,000

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.37; P.L.104-2011, SEC.10; P.L.94-2012, SEC.25.

IC 4-32.2-6-3.5

Determination of a qualified organization's adjusted gross revenue for purposes of determining the fee for renewing an annual comprehensive charity gaming license

Sec. 3.5. (a) This section applies only to the renewal of an annual comprehensive charity gaming license issued under IC 4-32.2-4-20.

(b) A qualified organization's adjusted gross revenue is an amount equal to the difference between:

(1) the qualified organization's total gross revenue from events conducted under the annual comprehensive charity gaming license in the preceding year; minus

(2) the sum of any amounts deducted under IC 4-32.2-5-3(b)(5)

with respect to the events described in subdivision (1) in the preceding year.

(c) For purposes of determining its adjusted gross revenue under subsection (b), a qualified organization must aggregate:

(1) the gross revenue from all events conducted by the qualified organization's Indiana affiliates under the qualified organization's annual comprehensive charity gaming license in a particular year; and

(2) the deductions taken with respect to the events described in subdivision (1) by all of the qualified organization's Indiana affiliates in a particular year.

As added by P.L.94-2012, SEC.26.

IC 4-32.2-6-4

Manufacturers' and distributors' license renewal fee schedule

Sec. 4. The commission shall establish a license fee schedule for the renewal of licenses for manufacturers and distributors.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-6-5

Deposit of license fees

Sec. 5. The commission shall deposit license fees collected under this chapter in the charity gaming enforcement fund established by IC 4-32.2-7-3.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-7

Chapter 7. Charity Gaming Enforcement Fund

IC 4-32.2-7-1

"Surplus revenue"

Sec. 1. As used in this chapter, "surplus revenue" means the amount of money in the charity gaming enforcement fund that is not required to meet the costs of administration and the cash flow needs of the commission under this article, IC 4-33-19, and IC 4-33-20.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.38.

IC 4-32.2-7-2

"Fund"

Sec. 2. As used in this chapter, "fund" means the charity gaming enforcement fund established by section 3 of this chapter.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-7-3

Charity gaming enforcement fund established

Sec. 3. The charity gaming enforcement fund is established. The commission shall administer the fund.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-7-4

Fees, penalties, and taxes deposited in charity gaming enforcement fund

Sec. 4. The fund consists of the following:

(1) License fees collected under IC 4-32.2-6.

(2) Civil penalties collected under IC 4-32.2-8.

(3) Charity gaming card excise taxes received under IC 4-32.2-10.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-7-5

Investment of fund

Sec. 5. Money in the fund does not revert to the state general fund at the end of a state fiscal year. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-7-6

Annual appropriation

Sec. 6. There is appropriated annually to the commission from the fund an amount sufficient to cover the costs incurred by the commission for the purposes specified in this article, IC 4-33-19, and IC 4-33-20.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.39.

IC 4-32.2-7-7
Transfers to build Indiana fund

Sec. 7. Before the last business day of January, April, July, and October, the commission shall, upon approval of the budget agency, transfer the surplus revenue to the treasurer of state for deposit in the build Indiana fund.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-8
Chapter 8. Penalties

IC 4-32.2-8-1
Grounds for penalties

Sec. 1. (a) The commission may suspend or revoke the license of or levy a civil penalty against a qualified organization, a manufacturer, a distributor, or an individual under this article for any of the following:

(1) Violation of:

(A) a provision of this article, IC 35-45-5-3, IC 35-45-5-3.5, IC 35-45-5-4, or a rule of the commission; or

(B) any other local ordinance, state or federal statute, or administrative rule or regulation that would cause the commission to determine that the person is not of good moral character or reputation.

(2) Failure to accurately account for a licensed supply.

(3) Failure to accurately account for sales proceeds from an event or activity licensed or permitted under this article.

(4) Commission of a fraud, deceit, or misrepresentation.

(5) Conduct prejudicial to public confidence in the commission.

(b) If a violation is of a continuing nature, the commission may impose a civil penalty upon a licensee or an individual for each day the violation continues.

(c) For purposes of subsection (a), a finding that a person has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 must be supported by a preponderance of the evidence.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.40.

IC 4-32.2-8-2
Civil penalty amounts

Sec. 2. A civil penalty imposed by the commission upon a qualified organization or an individual under section 1 of this chapter may not exceed the following amounts:

(1) One thousand dollars ($1,000) for the first violation.

(2) Two thousand five hundred dollars ($2,500) for the second violation.

(3) Five thousand dollars ($5,000) for each additional violation.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-8-3
Additional enforcement actions authorized

Sec. 3. In addition to imposing a penalty described in section 1 of this chapter, the commission may do all or any of the following:

(1) Lengthen a period of suspension of the license.

(2) Prohibit an operator or an individual who has been found to be in violation of this article from associating with charity

gaming conducted by a qualified organization.

(3) Impose an additional civil penalty of not more than one hundred dollars ($100) for each day the civil penalty goes unpaid.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-8-4
Criminal penalties

Sec. 4. (a) Except as provided in subsection (b), a person or an organization that recklessly, knowingly, or intentionally violates a provision of this article commits a Class B misdemeanor.

(b) An individual, a corporation, a partnership, a limited liability company, or other association that recklessly, knowingly, or intentionally enters into a contract or other agreement with a qualified organization in violation of IC 4-32.2-5-2 commits a Level 6 felony.

As added by P.L.91-2006, SEC.3. Amended by P.L.158-2013, SEC.68.

IC 4-32.2-8-5
Deposit of civil penalties

Sec. 5. The commission shall deposit civil penalties collected under this chapter in the charity gaming enforcement fund established by IC 4-32.2-7-3.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-9
Chapter 9. Security

IC 4-32.2-9-1
Responsibility for security; necessary police powers

Sec. 1. (a) The commission is responsible for security matters under this article. The commission may employ investigators and other individuals necessary to carry out this chapter.

(b) An employee of the commission engaged in the enforcement of this article is vested with the necessary police powers to enforce this article. The police powers granted by this subsection are limited to the enforcement of this article.

(c) An employee described in subsection (b) may not:

(1) issue a summons for an infraction or a misdemeanor violation of any law other than this article;

(2) act as an officer for the arrest of offenders for the violation of an Indiana law other than this article; or

(3) exercise any other police power with respect to the enforcement of any state or local law other than this article.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-9-2
Authorized security powers

Sec. 2. An employee of the commission may do any of the following:

(1) Investigate an alleged violation of this article.

(2) Arrest an alleged violator of this article.

(3) Enter upon the following premises for the performance of the employee's lawful duties:

(A) A location where a bingo event, charity game night, festival event, raffle, door prize drawing, or other charity gambling event licensed under IC 4-32.2-4-16 is being conducted.

(B) A location where pull tabs, tip boards, or punchboards are being purchased, sold, manufactured, printed, or stored.

(4) Take necessary equipment from the premises for further investigation.

(5) Obtain full access to all financial records of the entity upon request.

(6) If there is a reason to believe that a violation has occurred, search and inspect the premises where the violation is alleged to have occurred or is occurring. A search under this subdivision may not be conducted unless a warrant has first been obtained by the executive director. A contract entered into by the executive director may not include a provision allowing for warrantless searches. A warrant may be obtained in the county where the search will be conducted or in Marion County.

(7) Seize or take possession of:
(A) papers;
(B) records;
(C) tickets;
(D) currency; or
(E) other items;
related to an alleged violation.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.41.

IC 4-32.2-9-3
Investigations

Sec. 3. (a) The commission shall conduct investigations necessary to ensure the security and integrity of the operation of games of chance under this article. The commission may conduct investigations of the following:

(1) Licensed qualified organizations.
(2) Applicants for licenses issued under this article.
(3) Entities that sell, manufacture, or distribute licensed supplies.
(4) Employees of the commission under this article.
(5) Applicants for contracts or employment with the commission under this article.
(6) Individuals engaged in conducting allowable events.

(b) The commission may require persons subject to an investigation under subsection (a) to provide information, including fingerprints, that is:

(1) required by the commission to carry out the investigation; or
(2) otherwise needed to facilitate access to state and criminal history information.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.42.

IC 4-32.2-9-4
State police and other agency assistance

Sec. 4. (a) The state police department shall, at the request of the executive director, provide the following:

(1) Assistance in obtaining criminal history information relevant to investigations required for honest, secure, exemplary operations under this article.
(2) Any other assistance requested by the executive director and agreed to by the superintendent of the state police department.

(b) Any other state agency, including the alcohol and tobacco commission and the Indiana professional licensing agency, shall upon request provide the executive director with information relevant to an investigation conducted under this article.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-9-5
Retention of marketing sheets

Sec. 5. A marketing sheet published in connection with a wagering game must be maintained for the lesser of:

(1) six (6) years after the year in which the marketing sheet was published; or

(2) the end of an audit in which the marketing sheet and similar records are audited.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-9-6
Destroyed, discontinued, or unusable licensed supplies

Sec. 6. (a) This section applies only to products sold in Indiana.

(b) If a licensed manufacturer or distributor destroys, discontinues, or otherwise renders unusable a licensed supply, the manufacturer or distributor shall provide the commission with a written list of the items destroyed, discontinued, or rendered otherwise unusable.

(c) The list required under subsection (b) must contain the following information concerning the items destroyed, discontinued, or rendered otherwise unusable:

(1) The quantity.

(2) A description.

(3) The serial numbers.

(4) The date the items were destroyed, discontinued, or rendered otherwise unusable.

(d) Notwithstanding subsection (b), this section does not apply to a product considered defective by the manufacturer or distributor.

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.43.

IC 4-32.2-9-7
Requests for records; production deadline

Sec. 7. Records of a manufacturer or distributor must be produced upon request by the commission within seventy-two (72) hours or by another mutually agreed upon time if production of the requested documents within seventy-two (72) hours is impractical or burdensome.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-9-8
Quarterly reports

Sec. 8. (a) A manufacturer or distributor of a licensed supply to be used in charity gaming in Indiana must file a quarterly report listing the manufacturer's or distributor's sales of the licensed supply.

(b) A licensed distributor that sells any licensed supply with a prize value that would require reporting of a patron's gambling winnings to the:

(1) Internal Revenue Service for federal income tax purposes; or

(2) department of revenue for state income tax purposes;

must notify the commission of the sale in the quarterly reports described in subsection (a).

As added by P.L.91-2006, SEC.3. Amended by P.L.227-2007, SEC.44; P.L.253-2015, SEC.12.

IC 4-32.2-9-9
Confidentiality

Sec. 9. (a) Information obtained by the commission during the course of an investigation conducted under this chapter is confidential.

(b) A driver's license number or other identifying information of an operator or worker that is submitted to the commission on an application for a license under this article is confidential.

As added by P.L.91-2006, SEC.3. Amended by P.L.108-2009, SEC.13.

IC 4-32.2-10
Chapter 10. Gaming Card Excise Tax

IC 4-32.2-10-1
Gaming card excise tax imposed

Sec. 1. An excise tax is imposed on the distribution of pull tabs, punchboards, and tip boards in the amount of ten percent (10%) of the price paid by the qualified organization that purchases the pull tabs, punchboards, and tip boards.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-10-2
Liability for tax

Sec. 2. A licensed entity distributing pull tabs, punchboards, or tip boards under this article is liable for the tax. The tax is imposed at the time the licensed entity:

(1) brings or causes the pull tabs, punchboards, or tip boards to be brought into Indiana for distribution;
(2) distributes pull tabs, punchboards, or tip boards in Indiana; or
(3) transports pull tabs, punchboards, or tip boards to qualified organizations in Indiana for resale by those qualified organizations.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-10-3
Accounting procedures

Sec. 3. The department shall establish procedures by which each licensed entity must account for the following:

(1) The tax collected under this chapter by the licensed entity.
(2) The pull tabs, punchboards, and tip boards sold by the licensed entity.
(3) The funds received for sales of pull tabs, punchboards, and tip boards by the licensed entity.

As added by P.L.91-2006, SEC.3.

IC 4-32.2-10-4
Form of payment

Sec. 4. A payment by a licensed entity to the department may not be in cash. All payments must be in the form of a check, a draft, an electronic funds transfer, or another financial instrument authorized by the commissioner. The department may require licensed entities to establish separate electronic funds transfer accounts for the purpose of making payments to the department.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-10-5
Remittance of taxes; reports

Sec. 5. All taxes imposed on a licensed entity under this chapter shall be remitted to the department at the times and as directed by the department. The department is responsible for all administrative functions related to the receipt of funds. The department may require each licensed entity to file with the department reports of the licensed entity's receipts and transactions in the sale of pull tabs, punchboards, and tip boards. The department shall prescribe the form of the reports and the information to be contained in the reports. For purposes of this section, a qualified organization is not required to report the name, signature, or driver's license number of a prize winner unless the qualified organization is required to withhold adjusted gross income tax from the prize winner under IC 6-3-4-8.2(d).
As added by P.L.91-2006, SEC.3. Amended by P.L.60-2009, SEC.9.

IC 4-32.2-10-6
Audits
Sec. 6. The department may at any time perform an audit of the books and records of a licensed entity to ensure compliance with this chapter.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-10-7
Application of penalty provisions
Sec. 7. IC 4-32.2-8 applies to licensed entities.
As added by P.L.91-2006, SEC.3.

IC 4-32.2-10-8
Taxes transferred for deposit in the charity gaming enforcement fund
Sec. 8. The department shall transfer all taxes collected under this chapter to the commission for deposit in the charity gaming enforcement fund established by IC 4-32.2-7-3.
As added by P.L.91-2006, SEC.3.

IC 4-33

ARTICLE 33. RIVERBOAT GAMBLING

IC 4-33-1

Chapter 1. General Provisions

IC 4-33-1-1

Application of article

Sec. 1. This article applies only to the following:

(1) Counties contiguous to Lake Michigan.

(2) A county that is:

(A) contiguous to the Ohio River; and

(B) described in IC 4-33-6-1(a)(5).

(3) A county that contains a historic hotel district.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.1; P.L.233-2007, SEC.11.

IC 4-33-1-2

Legislative intent

Sec. 2. This article is intended to benefit the people of Indiana by promoting tourism and assisting economic development. The public's confidence and trust will be maintained only through:

(1) comprehensive law enforcement supervision; and

(2) the strict regulation of facilities, persons, associations, and gambling operations under this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-1-3

References to article

Sec. 3. References to "this article" include the provisions of this article and any rules or orders adopted under the authority of this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-1-4

Exemption from provisions

Sec. 4. Pursuant to 15 U.S.C. 1172, approved January 2, 1951, the state of Indiana, acting by and through duly elected and qualified members of the legislature, does declare and proclaim that the state is exempt from the provisions of 15 U.S.C. 1172.

As added by P.L.20-1995, SEC.2.

IC 4-33-1-5

Shipments of gambling devices

Sec. 5. All shipments of gambling devices, including slot machines, to an operating agent or a licensed riverboat in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer thereof in accordance with 15 U.S.C.

1171 through 1178, are legal shipments of gambling devices into Indiana.

As added by P.L.20-1995, SEC.3. Amended by P.L.92-2003, SEC.2.

IC 4-33-2
Chapter 2. Definitions

IC 4-33-2-1
Application
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-2
"Adjusted gross receipts"
Sec. 2. "Adjusted gross receipts" means:
(1) the total of all cash and property (including checks received by a licensee or an operating agent) whether collected or not, received by a licensee or an operating agent from gaming operations; minus
(2) the total of:
(A) all cash paid out as winnings to patrons; and
(B) uncollectible gaming receivables, not to exceed the lesser of:
(i) a reasonable provision for uncollectible patron checks received from gaming operations; or
(ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out as winnings to patrons.
For purposes of this section, a counter or personal check that is invalid or unenforceable under this article is considered cash received by the licensee or operating agent from gaming operations.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.3.

IC 4-33-2-3
"Approved hotel"
Sec. 3. "Approved hotel" means a hotel that contains:
(1) at least two hundred fifty (250) hotel rooms, or a lesser number established by the commission;
(2) indoor public space used for exhibit space;
(3) meeting rooms;
(4) banquet rooms;
(5) restaurants;
(6) lobbies;
(7) lounges or bars;
(8) show theaters;
(9) parking areas; and
(10) shops.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-3.5

"Approved limited mobile gaming system"

Sec. 3.5. "Approved limited mobile gaming system" means a limited mobile gaming system approved by the commission under IC 4-33-9-17.

As added by P.L.229-2013, SEC.7.

IC 4-33-2-3.7

"Bureau"

Sec. 3.7. "Bureau" refers to the child support bureau of the department of child services established by IC 31-25-3-1.

As added by P.L.23-1996, SEC.7. Amended by P.L.145-2006, SEC.8.

IC 4-33-2-4

"Cheat"

Sec. 4. "Cheat" means to alter the selection of criteria that determine:

(1) the result of a gambling game; or

(2) the amount or frequency of payment in a gambling game.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-5

"Commission"

Sec. 5. "Commission" refers to the Indiana gaming commission established by IC 4-33-3.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-5.6

"Cruise"

Sec. 5.6. "Cruise" means operation of a riverboat for a gambling operation while the riverboat is not moored to a dock.

As added by P.L.192-2002(ss), SEC.6.

IC 4-33-2-5.8

"Delinquent"

Sec. 5.8. "Delinquent" means at least:

(1) two thousand dollars ($2,000); or

(2) three (3) months;

past due on payment of court ordered child support.

As added by P.L.23-1996, SEC.8.

IC 4-33-2-6

"Department"

Sec. 6. "Department" refers to the department of state revenue.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-7

"Dock"

Sec. 7. "Dock" means the location where a riverboat moors for the

purpose of embarking passengers for and disembarking passengers from the riverboat.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.7.

IC 4-33-2-7.5
"Flexible scheduling"
Sec. 7.5. "Flexible scheduling" refers to the practice of conducting gambling games and allowing the continuous ingress and egress of patrons for the purpose of gambling.
As added by P.L.192-2002(ss), SEC.8. Amended by P.L.15-2011, SEC.1.

IC 4-33-2-8
"Gambling excursion"
Sec. 8. "Gambling excursion" means the time during which gambling games may be operated on a riverboat that has not implemented flexible scheduling under IC 4-33-6-21.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.9.

IC 4-33-2-9
"Gambling game"
Sec. 9. "Gambling game" includes any game approved by the commission as a wagering device.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.233-2007, SEC.12.

IC 4-33-2-10
"Gambling operation"
Sec. 10. "Gambling operation" means the conduct of authorized gambling games on a riverboat.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-11
"Gross receipts"
Sec. 11. "Gross receipts" means the total amount of money exchanged for the purchase of chips, tokens, or electronic cards by riverboat patrons.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-11.1
"Historic hotel"
Sec. 11.1. "Historic hotel" means a structure originally built as a hotel that:

(1) contained at least three hundred (300) sleeping rooms on or before January 1, 1930;
(2) is listed in, or is seeking listing in, the National Register of

Historic Places; and

(3) was regionally recognized for the mineral springs located on the property that were thought to have significant health benefits for the hotel's guests.

As added by P.L.92-2003, SEC.4.

IC 4-33-2-11.5
"Historic hotel district"

Sec. 11.5. "Historic hotel district" means a historic hotel district that is established under IC 36-7-11.5.

As added by P.L.92-2003, SEC.5.

IC 4-33-2-11.6
"Law enforcement agency"

Sec. 11.6. "Law enforcement agency" means any of the following:

(1) The gaming agents of the Indiana gaming commission.

(2) The state police department.

(3) The conservation officers of the department of natural resources.

(4) The state excise police of the alcohol and tobacco commission.

(5) The gaming control officers of the Indiana gaming commission.

(6) The enforcement department of the securities division of the office of the secretary of state.

As added by P.L.170-2005, SEC.1. Amended by P.L.227-2007, SEC.45; P.L.230-2007, SEC.3; P.L.3-2008, SEC.12.

IC 4-33-2-12
"Licensee"

Sec. 12. Except as provided in IC 4-33-10-2.1, "licensee" means a person holding a license issued under this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.4-1996, SEC.93.

IC 4-33-2-13
"Licensed owner"

Sec. 13. "Licensed owner" means a person that owns a riverboat that is licensed under this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-13.3
"Limited mobile gaming system"

Sec. 13.3. "Limited mobile gaming system" refers to a system that enables a licensed owner or operating agent to accept wagers through the use of mobile gaming devices approved under this article.

As added by P.L.229-2013, SEC.8.

IC 4-33-2-13.5
"Mobile gaming device"

Sec. 13.5. "Mobile gaming device" means an electronic device, including software, that does the following:

(1) Displays information related to a gambling game.

(2) Enables a patron to place a wager on a gambling game from an approved location using money placed into a deposit account maintained under the rules of the commission.

As added by P.L.229-2013, SEC.9.

IC 4-33-2-14
"Occupational license"

Sec. 14. "Occupational license" means a license issued by the commission under IC 4-33-8.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-14.5
"Operating agent"

Sec. 14.5. "Operating agent" means a person with whom the commission has entered into a contract under IC 4-33-6.5 to operate a riverboat in a historic hotel district.

As added by P.L.92-2003, SEC.6.

IC 4-33-2-14.6
"Operating agent contract"

Sec. 14.6. "Operating agent contract" refers to the contract entered into by the commission under IC 4-33-6.5 with respect to the operation of a riverboat in a historic hotel district.

As added by P.L.92-2003, SEC.7.

IC 4-33-2-15
"Owner's license"

Sec. 15. "Owner's license" means a license issued under IC 4-33-6 that allows a person to own and operate a riverboat.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-16
"Person"

Sec. 16. "Person" means an individual, a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-17
"Riverboat"

Sec. 17. "Riverboat" means any of the following on which lawful gambling is authorized under this article:

(1) A self-propelled excursion boat located in a county

described in IC 4-33-1-1(1) or IC 4-33-1-1(2) that complies with IC 4-33-6-6(a).

(2) A casino located in a historic hotel district.

(3) A permanently moored craft operating from a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2).

(4) An inland casino operating under IC 4-33-6-24.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.8; P.L.96-2010, SEC.1; P.L.15-2011, SEC.2; P.L.255-2015, SEC.5.

IC 4-33-2-17.5
Repealed

(As added by P.L.233-2007, SEC.13. Repealed by P.L.229-2013, SEC.10.)

IC 4-33-2-18
"Supplier's license"

Sec. 18. "Supplier's license" means a license issued under IC 4-33-7.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-2-19
"Trustee"

Sec. 19. "Trustee" means a person granted authority under IC 4-33-21 to conduct gambling operations on a riverboat for the mutual benefit of:

(1) the state; and

(2) the owner of the riverboat.

As added by P.L.142-2009, SEC.2.

IC 4-33-3

Chapter 3. Indiana Gaming Commission

IC 4-33-3-0.3

Certain transfer fee rules void

Sec. 0.3. The following rules are void:

(1) An emergency rule adopted by the commission on April 21, 2005, pursuant to Indiana gaming commission resolution 2005-17 concerning the imposition of a transfer fee for riverboat license transfers.

(2) Any other rule adopted after April 1, 2005, that establishes a transfer fee for riverboat licenses, including operating permits.

As added by P.L.220-2011, SEC.53.

IC 4-33-3-1

Establishment of commission

Sec. 1. The Indiana gaming commission is established.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-2

Members; qualifications; appointment

Sec. 2. (a) The commission consists of seven (7) members appointed by the governor.

(b) Each member of the commission must:

(1) be a resident of Indiana; and

(2) have a reasonable knowledge of the practice, procedures, and principles of gambling operations.

(c) At least one (1) member of the commission must be experienced in law enforcement and criminal investigation.

(d) At least one (1) member of the commission must be a certified public accountant experienced in accounting and auditing.

(e) At least one (1) member of the commission must be an attorney admitted to the practice of law in Indiana.

(f) One (1) member of the commission must be a resident of a county described in IC 4-33-1-1(1).

(g) One (1) member of the commission must be a resident of a county described in IC 4-33-1-1(2).

(h) Not more than four (4) members may be affiliated with the same political party.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.170-2005, SEC.2.

IC 4-33-3-3

Chair

Sec. 3. The governor shall designate one (1) member of the commission to serve as chair.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-4
Terms

Sec. 4. (a) Except as provided in subsection (b), the term of office of a commission member is three (3) years.

(b) When making the initial appointments to the commission under this chapter, the governor shall do the following:

(1) Appoint two (2) members to serve for terms of three (3) years.

(2) Appoint two (2) members to serve for terms of two (2) years.

(3) Appoint three (3) members to serve for terms of one (1) year.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-5
Vacancies

Sec. 5. A vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-6
Reappointment

Sec. 6. Each member of the commission is eligible for reappointment at the discretion of the governor.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-7
Compensation

Sec. 7. Each member of the commission is entitled to receive the following:

(1) Salary per diem, as provided in IC 4-10-11-2.1(b), for each day the member does any of the following:

(A) Attends a meeting of the commission.

(B) Conducts a hearing under this article.

(2) Reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-8
Conflict of interest

Sec. 8. A person may not be appointed to the commission or continue to be a commission member if the person or the person's spouse, child, or parent is:

(1) a member of the board of directors of; or

(2) financially interested in;

a gambling operation subject to the jurisdiction of the commission.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-9
Other public office

Sec. 9. A commission member may not hold any other public office for which the member receives compensation other than necessary travel expenses or other incidental expenses.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-10
Moral character; felony conviction or indictment

Sec. 10. A person may not be appointed to the commission if:
(1) the person is not of good moral character; or
(2) the person:
(A) has been convicted of; or
(B) is under indictment for;
a felony under Indiana law, the laws of any other state, or laws of the United States.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-11
Removal

Sec. 11. A member of the commission may be removed by the governor for any of the following reasons:
(1) Neglect of duty.
(2) Misfeasance.
(3) Malfeasance.
(4) Nonfeasance.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-12
Oath; bond

Sec. 12. Each member of the commission must, before beginning the discharge of the duties of the member's office, do the following:
(1) Take an oath that the member will faithfully execute the duties of the member's office according to Indiana law and rules adopted under Indiana law.
(2) Provide a bond to the state that:
(A) is approved by the governor;
(B) is for twenty-five thousand dollars ($25,000); and
(C) is, after being executed and approved, recorded in the office of the secretary of state.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-13
Bond renewal

Sec. 13. If the governor determines that the bond of a commission

member has become or is likely to become invalid or insufficient, the governor shall immediately require the member to renew the member's bond. The governor must approve a bond renewed under this section.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-14
Removal for failing to take oath or provide bond

Sec. 14. The governor may remove a commission member who:
(1) does not:
(A) take the required oath; and
(B) provide the required bond;
not more than thirty (30) days after the member is appointed to the commission; or
(2) does not renew the member's bond not more than thirty (30) days after the governor requires the renewal under this chapter.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-15
Bond cost; payment by commission

Sec. 15. The commission may pay the cost of a bond given by a member of the commission under this chapter.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-16
Staff support; personnel

Sec. 16. The commission shall hire staff to carry out the duties of the commission. Upon the request of the commission, the department shall employ personnel necessary to carry out the duties of the commission.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.4.

IC 4-33-3-17
Employee conflict of interest

Sec. 17. (a) A person may not be employed to serve the commission if:
(1) the person or the person's spouse, parent, or child is:
(A) an official of an operator or operating agent engaged in gambling operations in Indiana; or
(B) a person with:
(i) a financial interest in; or
(ii) a financial relation with;
an operator or operating agent engaged in gambling operations in Indiana; or
(2) the person is a spouse, parent, or child of a commission member.
(b) The employment of a person employed in violation of

subsection (a) shall be terminated.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.9.

IC 4-33-3-18
Executive director; appointment; compensation

Sec. 18. (a) The governor shall appoint the executive director of the commission to serve at the pleasure of the governor. The executive director's compensation shall be approved annually by the governor under IC 4-12-2.

(b) The commission may by resolution assign to the executive director any duty imposed upon the commission by this article.

(c) The executive director shall perform the duties assigned to the executive director by the commission. The executive director may exercise any power conferred upon the commission by this article that is consistent with the duties assigned to the executive director under subsection (b).

(d) In addition to any salary paid under this section, the executive director is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the executive director's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.142-2009, SEC.3.

IC 4-33-3-19
Executive director; duties

Sec. 19. (a) The executive director shall devote the executive director's full time to the duties of the office.

(b) The executive director shall do the following:

(1) Keep records of all proceedings of the commission.

(2) Preserve all papers, books, documents, and other records belonging to or held by the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.227-2007, SEC.46.

IC 4-33-3-20
Meetings

Sec. 20. (a) The commission shall hold at least one (1) meeting each quarter of the fiscal year.

(b) The chair or any two (2) commission members may call a special meeting. A special meeting may be held not earlier than seventy-two (72) hours after written notice has been sent to each member.

(c) Except as provided in this article, commission meetings are subject to IC 5-14-1.5.

(d) Four (4) members of the commission constitute a quorum of

the commission.

(e) Four (4) affirmative votes are required for the commission to take official action.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-21

Records

Sec. 21. (a) The commission shall keep a complete and accurate record of the commission's meetings.

(b) The commission shall maintain records that are separate from the records of any other state board or commission. The commission's records shall be available for public inspection and must accurately reflect all commission proceedings.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-3-22

Annual report

Sec. 22. (a) The commission shall file a written annual report with the governor before September 1 of each year. The commission shall file any additional reports that the governor requests.

(b) The annual report filed under this section must include a statement describing the following:

(1) The receipts and disbursements of the commission.

(2) Actions taken by the commission.

(3) Any additional information and recommendations that:

(A) the commission considers useful; or

(B) the governor requests.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.188-2003, SEC.12.

IC 4-33-3-23

Hearings

Sec. 23. (a) A commission member or an administrative law judge appointed by the commission may do the following:

(1) Conduct a hearing authorized under this article.

(2) Recommend findings of fact and decisions to the commission.

(b) The commission member or administrative law judge conducting a hearing has all the powers and rights granted to the commission. A hearing under this article shall be conducted under IC 4-21.5.

(c) When conducting a public hearing, the commission shall not limit the number of speakers who may testify. However, the commission may set reasonable time limits on the length of an individual's testimony or the total amount of time allotted to proponents and opponents of an issue before the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.52-1995, SEC.1.

IC 4-33-4

Chapter 4. Powers and Duties of Indiana Gaming Commission

IC 4-33-4-1

Administration, regulation, and enforcement of riverboat gambling

Sec. 1. (a) The commission has the following powers and duties for the purpose of administering, regulating, and enforcing the system of riverboat gambling established under this article:

(1) All powers and duties specified in this article.

(2) All powers necessary and proper to fully and effectively execute this article.

(3) Jurisdiction and supervision over the following:

(A) All riverboat gambling operations in Indiana.

(B) All persons on riverboats where gambling operations are conducted.

(4) Investigate and reinvestigate applicants and license holders and determine the eligibility of applicants for licenses or operating agent contracts.

(5) Select among competing applicants the applicants that promote the most economic development in a home dock area and that best serve the interests of the citizens of Indiana.

(6) Take appropriate administrative enforcement or disciplinary action against a licensee or an operating agent.

(7) Investigate alleged violations of this article.

(8) Establish fees for licenses issued under this article.

(9) Adopt appropriate standards for the design, appearance, aesthetics, and construction for riverboats and facilities.

(10) Conduct hearings.

(11) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.

(12) Administer oaths and affirmations to the witnesses.

(13) Prescribe a form to be used by an operating agent or a licensee involved in the ownership or management of gambling operations as an application for employment by potential employees.

(14) Revoke, suspend, or renew licenses issued under this article.

(15) Hire employees to gather information, conduct investigations, and carry out other tasks under this article.

(16) Take any reasonable or appropriate action to enforce this article.

(b) Applicants and license holders shall reimburse the commission for costs related to investigations and reinvestigations conducted under subsection (a)(4).

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.5; P.L.92-2003, SEC.10.

IC 4-33-4-2
Rules

Sec. 2. The commission shall adopt rules under IC 4-22-2 for the following purposes:

(1) Administering this article.

(2) Establishing the conditions under which riverboat gambling in Indiana may be conducted.

(3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of riverboat gambling.

(4) Establishing rules concerning inspection of riverboats and the review of the permits or licenses necessary to operate a riverboat.

(5) Imposing penalties for noncriminal violations of this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1995, SEC.38; P.L.92-2003, SEC.11.

IC 4-33-4-3
Additional duties of the commission

Sec. 3. (a) The commission shall do the following:

(1) Adopt rules that the commission determines necessary to protect or enhance the following:

(A) The credibility and integrity of gambling operations authorized by this article.

(B) The regulatory process provided in this article.

(2) Conduct all hearings concerning civil violations of this article.

(3) Provide for the establishment and collection of license fees and taxes imposed under this article.

(4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.

(5) Levy and collect penalties for noncriminal violations of this article.

(6) Deposit the penalties in the state gaming fund established by IC 4-33-13.

(7) Be present through the commission's gaming agents during the time gambling operations are conducted on a riverboat to do the following:

(A) Certify the revenue received by a riverboat.

(B) Receive complaints from the public.

(C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

(8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(B) an emergency rule is likely to address the need.

(9) Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection (c).

(10) Establish the requirements for a power of attorney submitted under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16.

(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8).

(c) Rules adopted under subsection (a)(9) must provide the following:

(1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat or other facility under the jurisdiction of the commission.

(2) That the name of a person participating in the program will be included on a list of persons excluded from all facilities under the jurisdiction of the commission.

(3) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.

(4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.

(5) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.

(6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1995, SEC.39; P.L.27-1997, SEC.2; P.L.273-1999, SEC.40; P.L.14-2000, SEC.13; P.L.92-2003, SEC.12; P.L.143-2003, SEC.1; P.L.37-2004, SEC.1; P.L.170-2005, SEC.3; P.L.142-2009, SEC.4.

IC 4-33-4-3.5

Gaming agents; salaries and expenses; worker's compensation fee

Sec. 3.5. (a) As used in this section, "salaries and other expenses" does not include payments, rights, or benefits available to an employee under IC 22-3-2 through IC 22-3-7.

(b) The commission shall employ gaming agents to perform the duties imposed by this chapter. Gaming agents and staff required to support the gaming agents are employees of the commission and are not considered to be employees of licensed owners and operating agents.

(c) The licensed owners and operating agents shall, in the manner prescribed by the rules of the commission reimburse the commission for:

(1) the training expenses incurred to train gaming agents;

(2) the salaries and other expenses of staff required to support the gaming agents; and

(3) the salaries and other expenses of the gaming agents required to be present during the time gambling operations are conducted on a riverboat.

(d) This subsection applies to a state fiscal year beginning after June 30, 2016. Each licensed owner and each operating agent shall annually pay a special worker's compensation coverage fee of twelve thousand dollars ($12,000) to the commission to be used exclusively to assist the commission in offsetting potential state expenses incurred under IC 22-3-2 through IC 22-3-7 by gaming agents and staff required to support the gaming agents.

(e) This section is subject to section 3.7 of this chapter.

As added by P.L.53-1995, SEC.1. Amended by P.L.92-2003, SEC.13; P.L.170-2005, SEC.4; P.L.72-2016, SEC.1.

IC 4-33-4-3.6
Repealed

(As added by P.L.20-1995, SEC.6. Repealed by P.L.92-2003, SEC.63.)

IC 4-33-4-3.7
Application of 2016 amendments

Sec. 3.7. (a) Section 3.5 of this chapter, as in effect before July 1, 2015, applies to an injury or occupational disease occurring before July 1, 2015.

(b) Section 3.5 of this chapter, as amended during the 2016 session of the general assembly, applies to an injury or occupational disease occurring after June 30, 2015.

As added by P.L.72-2016, SEC.2.

IC 4-33-4-4
Entering premises of licensee

Sec. 4. The commission may enter an office, a riverboat, a facility, or other premises of an operating agent or a person holding an owner's, or supplier's license where evidence of the compliance or

noncompliance with this article is likely to be found.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.14.

IC 4-33-4-5
Licensing standards

Sec. 5. The commission shall adopt standards for the licensing of the following:

(1) Persons regulated under this article.
(2) Electronic or mechanical gambling games.
(3) Limited mobile gaming systems and mobile gaming devices.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.229-2013, SEC.11.

IC 4-33-4-6
Records of licensee

Sec. 6. The commission shall require that the records, including financial statements, of an operating agent or a person holding an owner's, or supplier's license must be maintained in the manner prescribed by the commission.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.15.

IC 4-33-4-7
Ejection or exclusion from facilities

Sec. 7. (a) The commission may eject or exclude or authorize the ejection or exclusion of a person from riverboat gambling facilities if:

(1) the person's name is on the list of persons voluntarily excluding themselves from all riverboats in a program established under the rules of the commission;
(2) the person violates this article; or
(3) the commission determines that the person's conduct or reputation is such that the person's presence within the riverboat gambling facilities may:
    (A) call into question the honesty and integrity of the gambling operations; or
    (B) interfere with the orderly conduct of the gambling operations.

(b) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a hearing on the person's ejection or exclusion under this section.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.143-2003, SEC.2.

IC 4-33-4-8
Violations of article; fraudulent acts

Sec. 8. If a licensee, an operating agent, or an employee of a

licensee or an operating agent violates this article or engages in a fraudulent act, the commission may do any combination of the following:

(1) Suspend, revoke, or restrict the license of the licensee, or suspend, revoke, or restrict the gambling operations of an operating agent.

(2) Require the removal of a licensee or an employee of a licensee.

(3) Impose a civil penalty of not more than five thousand dollars ($5,000) against an individual who has been issued an occupational license for each violation of this article.

(4) Impose a civil penalty of not more than the greater of:

(A) ten thousand dollars ($10,000); or

(B) an amount equal to the licensee's or operating agent's daily gross receipts for the day of the violation;

against an owner or operating agent for each violation of this article.

(5) Impose a civil penalty of not more than twenty-five thousand dollars ($25,000) against a person who has been issued a supplier's license for each violation of this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.16; P.L.143-2003, SEC.3.

IC 4-33-4-9
Cashless wagering system

Sec. 9. The commission shall require an owner or operating agent conducting gambling games to use a cashless wagering system in which a player's money is converted to tokens, electronic cards, or chips that may be used only for wagering on the riverboat.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.17.

IC 4-33-4-10
Cruises; regulation of routes and stops

Sec. 10. If a riverboat cruises, the commission shall authorize the route of the riverboat and the stops, if any, that the riverboat may make while on a cruise.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.10.

IC 4-33-4-11
Insurance

Sec. 11. The commission shall establish the minimum amount of insurance that must be maintained by:

(1) an operating agent; or

(2) owner and supplier licensees.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.18.

IC 4-33-4-12
Alcoholic beverages

Sec. 12. Except as provided by IC 7.1-3-17.5, IC 7.1 and the rules adopted by the alcohol and tobacco commission apply to:

(1) an operating agent; and

(2) a person holding an owner's license.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.15-1994, SEC.2; P.L.204-2001, SEC.8; P.L.92-2003, SEC.19.

IC 4-33-4-13
Determination of navigable waterways; approval of permanently moored craft

Sec. 13. (a) This section does not apply to a riverboat:

(1) located in a historic hotel district; or

(2) described in IC 4-33-2-17(4).

(b) After consulting with the United States Army Corps of Engineers, the commission may do the following:

(1) Determine the waterways that are navigable waterways for purposes of this article.

(2) Determine the navigable waterways that are suitable for the operation of riverboats under this article.

(3) Approve a plan submitted under IC 4-33-6-23 for:

(A) the construction of a new permanently moored craft; or

(B) the conversion of a self-propelled excursion boat into a permanently moored craft.

(c) In determining the navigable waterways on which riverboats may operate, the commission shall do the following:

(1) Obtain any required approvals from the United States Army Corps of Engineers for the operation of riverboats on those waterways.

(2) Consider the economic benefit that riverboat gambling provides to Indiana.

(3) Seek to ensure that all regions of Indiana share in the economic benefits of riverboat gambling.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1995, SEC.40; P.L.92-2003, SEC.20; P.L.15-2011, SEC.3; P.L.255-2015, SEC.6.

IC 4-33-4-13.5
Marine structural and life safety standards for permanently moored craft

Sec. 13.5. The commission shall:

(1) determine the appropriate marine structural and life safety standards for a permanently moored craft approved under section 13 of this chapter; and

(2) establish maintenance requirements and an inspection schedule to enforce the standards.

This section does not require a licensed owner converting a

self-propelled excursion boat into a permanently moored craft to substantially alter the marine structural and life safety systems of the excursion boat that were required to comply with IC 4-33-6-6 if the self-propelled excursion boat was in service before January 1, 2011.
As added by P.L.15-2011, SEC.4.

IC 4-33-4-14
Navigable waterways; extreme circumstances

Sec. 14. The commission may adopt emergency orders under IC 4-21.5-4 concerning navigability of waterways for extreme weather conditions or other extreme circumstances.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-4-15
Annual duties of gaming commission

Sec. 15. The commission shall annually do the following:

(1) Review the patterns of wagering and wins and losses by persons on riverboat gambling operations under this article.

(2) Make recommendations to the governor and the general assembly concerning whether limits on wagering losses should be imposed.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.21.

IC 4-33-4-16
Investigative procedures; complaints

Sec. 16. (a) The commission shall review and make a determination on a complaint by an operating agent or a person who has been issued an owner's license concerning an investigative procedure that the licensee alleges is unnecessarily disruptive of gambling operations.

(b) A licensee or an operating agent filing a complaint under this section must prove all of the following by clear and convincing evidence:

(1) The investigative procedure had no reasonable law enforcement purpose.

(2) The investigative procedure was so disruptive as to unreasonably inhibit gambling operations.

(c) For purposes of this section, the need to inspect and investigate a licensee or an operating agent shall be presumed at all times.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.22.

IC 4-33-4-17
Commission consideration of license applications

Sec. 17. (a) The commission shall decide promptly and in reasonable order all license applications.

(b) A party aggrieved by an action of the commission denying, suspending, revoking, restricting, or refusing the renewal of a license may request a hearing before the commission. A request for a hearing must be made to the commission in writing not more than ten (10) days after service of notice of the action of the commission.

(c) The commission shall serve notice of the commission's actions to a party by personal delivery or by certified mail. Notice served by certified mail is considered complete on the business day following the date of the mailing.

(d) The commission shall conduct all requested hearings promptly and in reasonable order.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1994, SEC.13; P.L.92-2003, SEC.23; P.L.229-2013, SEC.12.

IC 4-33-4-18
Background investigations

Sec. 18. (a) The state police department may assist the commission in conducting background investigations of applicants. The commission may forward all fingerprints required to be submitted by license applicants under IC 4-33 to the Federal Bureau of Investigation or any other agency for the purpose of screening applicants. The commission shall reimburse the state police department for the costs incurred by the state police department as a result of the assistance. The commission shall make the payment from fees collected from applicants.

(b) The commission through its gaming agents shall conduct background investigations of applicants. Costs incurred conducting the investigations must be paid from fees collected from applicants.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.261-2003, SEC.4; P.L.170-2005, SEC.5.

IC 4-33-4-19
Revocation of licenses

Sec. 19. The commission shall revoke the license of a licensee who operates a riverboat upon Patoka Lake if that licensee violates any of the following:

(1) IC 14-26-2-7.
(2) IC 14-26-2-23.
(3) IC 14-28-1.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1995, SEC.41; P.L.152-2006, SEC.1.

IC 4-33-4-20
Void licenses

Sec. 20. If the United States Army Corps of Engineers rescinds an approval required under section 13 of this chapter, a license issued under this article is void and the holder of the license may not conduct or continue gambling operations under this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-4-21
Licenses; transfer, sale, purchase, or voting trust; rules of procedure; prohibitions

Sec. 21. (a) A licensed owner or any other person must apply for and receive the commission's approval before:

(1) an owner's license is:
(A) transferred;
(B) sold; or
(C) purchased; or

(2) a voting trust agreement or other similar agreement is established with respect to the owner's license.

(b) Subject to section 24 of this chapter, the commission shall adopt rules governing the procedure a licensed owner or other person must follow to take an action under subsection (a). The rules must specify that a person who obtains an ownership interest in a license must meet the criteria of this article and any rules adopted by the commission. A licensed owner may transfer an owner's license only in accordance with this article and rules adopted by the commission.

(c) A licensed owner or any other person may not:

(1) lease;
(2) hypothecate; or
(3) borrow or loan money against;

an owner's license.

(d) A transfer fee is imposed on a licensed owner who purchases or otherwise acquires a controlling interest, as determined under the rules of the commission, in a second owner's license. The fee is equal to two million dollars ($2,000,000). The commission shall collect and deposit a fee imposed under this subsection in the state general fund.

As added by P.L.20-1995, SEC.7. Amended by P.L.224-2003, SEC.42; P.L.182-2009(ss), SEC.59.

IC 4-33-4-21.2
Display and maintenance of toll free telephone number

Sec. 21.2. (a) The Indiana gaming commission shall require a licensed owner or an operating agent to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:

(1) On each admission ticket to a riverboat if tickets are issued.
(2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.

(b) The toll free telephone line described in IC 4-33-12-6 must be:

(1) maintained by the division of mental health and addiction under IC 12-23-1-6; and
(2) funded by the addiction services fund established by IC 12-23-2-2.

(c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

As added by P.L.54-1995, SEC.1. Amended by P.L.215-2001, SEC.5; P.L.192-2002(ss), SEC.11; P.L.92-2003, SEC.24.

IC 4-33-4-22

Rules concerning hours of operation

Sec. 22. (a) The commission may not adopt a rule or resolution limiting the ordinary business hours in which a licensed owner that has implemented flexible scheduling under IC 4-33-6-21 may conduct gambling operations.

(b) This section may not be construed to limit the commission's power to:

(1) enforce this article under IC 4-33-4-1(a)(6), IC 4-33-4-1(a)(7), or IC 4-33-4-8; or

(2) respond to an emergency, as determined by the commission.

As added by P.L.224-2003, SEC.43. Amended by P.L.97-2004, SEC.14.

IC 4-33-4-23

Licensed owners annual reports; incentive payments

Sec. 23. (a) An operating agent or a person holding an owner's license must report annually to the commission the following:

(1) The total dollar amounts and recipients of incentive payments made.

(2) Any other items related to the payments described in subdivision (1) that the commission may require.

(b) The commission shall prescribe, with respect to the report required by subsection (a):

(1) the format of the report;

(2) the deadline by which the report must be filed; and

(3) the manner in which the report must be maintained and filed.

As added by P.L.199-2005, SEC.1.

IC 4-33-4-24

Prohibition of fee for proposed transfer of ownership

Sec. 24. The commission may not do the following:

(1) Impose by rule a fee that is not authorized by this article on any party to a proposed transfer of an ownership interest in a riverboat owner's license or an operating permit.

(2) Make the commission's approval of a proposed transfer of an ownership interest in a riverboat owner's license or an operating permit contingent upon the payment of any amount that is not authorized by this article.

As added by P.L.182-2009(ss), SEC.60.

IC 4-33-4-24.2

Model power of attorney

Sec. 24.2. The executive director shall establish a model power of attorney setting forth the terms and conditions under which a trustee may conduct gambling operations on a riverboat under IC 4-33-21. The executive director may provide a copy of the model power of attorney to any interested party.

As added by P.L.142-2009, SEC.5.

IC 4-33-4-25

Appointment of temporary trustee

Sec. 25. (a) The commission may appoint a person to serve as a temporary trustee for a particular riverboat if the commission makes the following findings:

(1) That circumstances requiring a trustee to assume control of the riverboat are likely to occur.

(2) That the commission has not approved a power of attorney identifying any other person to serve as the trustee for the riverboat.

(3) That there is not enough time to consider and approve a power of attorney with respect to the riverboat before the circumstances found likely to occur under subdivision (1) will occur.

(b) A person appointed under this section must be qualified to perform any duty described in this section or IC 4-33-21.

(c) A trustee appointed by the commission under this section shall serve until any of the following occurs:

(1) The commission adopts a resolution under IC 4-33-21-3 authorizing a trustee appointed by an approved power of attorney to conduct gambling operations under IC 4-33-21 on the riverboat.

(2) The commission revokes the trustee's authority to conduct gambling operations under IC 4-33-21-12.

(3) A new licensed owner or operating agent assumes control of the riverboat.

(d) A trustee appointed by the commission under this section shall exercise the trustee's powers in accordance with:

(1) the model power of attorney established by the executive director under section 24.2 of this chapter; and

(2) IC 4-33-21.

As added by P.L.142-2009, SEC.6.

IC 4-33-4-26

Civil penalties for violations concerning a power of attorney

Sec. 26. The commission may impose a civil penalty upon a person who:

(1) fails to submit a power of attorney before a deadline imposed by this article;

(2) fails to take any corrective action required by the

commission with respect to a power of attorney submitted under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16; or

(3) violates any provision of this article concerning the submission of a power of attorney identifying the person who would serve as a trustee under the power of attorney.

As added by P.L.142-2009, SEC.7.

IC 4-33-4-27

Withholding delinquent child support from winnings; fee; notice; priority of order over other claims

Sec. 27. (a) The bureau shall provide information to a licensed owner, an operating agent, or a trustee concerning persons who are delinquent in child support.

(b) If a licensed owner, an operating agent, or a trustee is required to file Form W-2G or a substantially equivalent form with the United States Internal Revenue Service for a person who is delinquent in child support, before payment of cash winnings to the person, the licensed owner, operating agent, or trustee:

(1) may deduct and retain an administrative fee in the amount of the lesser of:

(A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or

(B) one hundred dollars ($100); and

(2) shall:

(A) withhold the amount of delinquent child support owed from the cash winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the licensed owner, operating agent, or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(c) The bureau shall notify the obligor at the address provided by the licensed owner, operating agent, or trustee that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(d) The bureau shall hold the amount withheld from cash winnings of an obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to

be withheld under federal or state law.
As added by P.L.80-2010, SEC.1.

IC 4-33-4.5

Chapter 4.5. Gaming Commission Gaming Agents

IC 4-33-4.5-1

Police powers and duties

Sec. 1. (a) A gaming agent is vested with full police powers and duties to enforce this article.

(b) A gaming agent may issue a summons for an infraction or a misdemeanor violation if the defendant promises to appear by signing the summons. A defendant who signs a summons issued under this subsection but fails to appear is subject to the penalties provided by IC 35-44.1-2-10. Upon the defendant's failure to appear, the court shall issue a warrant for the arrest of the defendant.

(c) In addition to the powers and duties vested under subsection (a), a gaming agent may act as an officer for the arrest of offenders who violate the laws of Indiana if the gaming agent reasonably believes that a crime has been, is being, or is about to be committed or attempted in the gaming agent's presence.

As added by P.L.170-2005, SEC.6. Amended by P.L.126-2012, SEC.14.

IC 4-33-4.5-2

Surety bonds

Sec. 2. Each gaming agent shall execute a surety bond in the amount of one thousand dollars ($1,000), with surety approved by the commission, and an oath of office, both of which must be filed with the executive director.

As added by P.L.170-2005, SEC.6.

IC 4-33-4.5-3

Compensable injury to, injury to the health of, or death of a gaming agent

Sec. 3. (a) The injury to, injury to the health of, or death of a gaming agent is compensable under the appropriate provisions of IC 22-3-2 through IC 22-3-7 if the injury, injury to the health of, or death arises out of and in the course of the performance of the agent's duties as a gaming agent.

(b) For purposes of subsection (a) and IC 22-3-2 through IC 22-3-7, a gaming agent is conclusively presumed to have accepted the compensation provisions included in the parts of the Indiana Code referred to in this subsection.

As added by P.L.170-2005, SEC.6.

IC 4-33-4.5-4

Retirement of a gaming agent with at least 20 years of service

Sec. 4. An eligible gaming agent who retires with at least twenty (20) years of service as a gaming agent:

(1) may retain the agent's service weapon;

(2) may receive, in recognition of the agent's service to the commission and to the public, a badge that indicates that the agent is retired; and

(3) shall be issued by the commission an identification card stating the agent's name and rank, signifying that the agent is retired, and noting the agent's authority to retain the service weapon.

As added by P.L.170-2005, SEC.6.

IC 4-33-4.5-5

Salary matrix

Sec. 5. The commission shall create a matrix for salary ranges for gaming agents, which must be reviewed and approved by the budget agency before implementation.

As added by P.L.170-2005, SEC.6.

IC 4-33-5

Chapter 5. Disclosure of Records

IC 4-33-5-1

License and operator agent contract applicants; disclosure of information

Sec. 1. An applicant for a license or an operating agent contract under this article must provide the following information to the commission:

(1) The name, business address, and business telephone number of the applicant.

(2) An identification of the applicant.

(3) The following information for an applicant that is not an individual:

(A) The state of incorporation or registration.

(B) The names of all corporate officers.

(C) The identity of the following:

(i) Any person in which the applicant has an equity interest of at least one percent (1%) of all shares. The identification must include the state of incorporation or registration if applicable. However, an applicant that has a pending registration statement filed with the Securities and Exchange Commission is not required to provide information under this item.

(ii) The shareholders or participants of the applicant. An applicant that has a pending registration statement filed with the Securities and Exchange Commission is required to provide only the names of persons holding an interest of more than one percent (1%) of all shares.

(4) An identification of any business, including the state of incorporation or registration if applicable, in which an applicant or the spouse or children of an applicant has an equity interest of more than one percent (1%) of all shares.

(5) If the applicant has been indicted, been convicted, pleaded guilty or nolo contendere, or forfeited bail concerning a criminal offense other than a traffic violation under the laws of any jurisdiction. The applicant must include the following information under this subdivision:

(A) The name and location of the following:

(i) The court.

(ii) The arresting agency.

(iii) The prosecuting agency.

(B) The case number.

(C) The date and type of offense.

(D) The disposition of the case.

(E) The location and length of incarceration.

(6) If the applicant has had a license or certificate issued by a licensing authority in Indiana or any other jurisdiction denied,

restricted, suspended, revoked, or not renewed. An applicant must provide the following information under this subdivision:

(A) A statement describing the facts and circumstances concerning the denial, restriction, suspension, revocation, or nonrenewal.

(B) The date each action described in clause (A) was taken.

(C) The reason each action described in clause (A) was taken.

(7) If the applicant has:

(A) filed or had filed against the applicant a proceeding in bankruptcy; or

(B) been involved in a formal process to adjust, defer, suspend, or work out the payment of a debt;

including the date of filing, the name and location of the court, and the case and number of the disposition.

(8) If the applicant has filed or been served with a complaint or notice filed with a public body concerning:

(A) a delinquency in the payment of; or

(B) a dispute over a filing concerning the payment of;

a tax required under federal, state, or local law, including the amount, type of tax, the taxing agency, and times involved.

(9) A statement listing the names and titles of public officials or officers of units of government and relatives of the public officials or officers who directly or indirectly:

(A) have a financial interest in;

(B) have a beneficial interest in;

(C) are the creditors of;

(D) hold a debt instrument issued by; or

(E) have an interest in a contractual or service relationship with;

an applicant.

(10) If an applicant for an operating agent contract or an owner's or a supplier's license has directly or indirectly made a political contribution, loan, donation, or other payment to a candidate or an office holder in Indiana not more than five (5) years before the date the applicant filed the application. An applicant must provide information concerning the amount and method of a payment described in this subdivision.

(11) The name and business telephone number of the attorney who will represent the applicant in matters before the commission.

(12) A description of a proposed or an approved riverboat gaming operation, including the following information:

(A) The type of riverboat.

(B) The site or home dock location of the riverboat.

(C) The expected economic benefit to local communities.

(D) The anticipated or actual number of employees.

(E) Any statements from the applicant concerning

compliance with federal and state affirmative action guidelines.

(F) Anticipated or actual admissions.

(G) Anticipated or actual adjusted gross gaming receipts.

(13) A description of the product or service to be supplied by the applicant if the applicant has applied for a supplier's license.

(14) The following information from each licensee or operating agent involved in the ownership or management of gambling operations:

(A) An annual balance sheet.

(B) An annual income statement.

(C) A list of the stockholders or other persons having at least a one percent (1%) beneficial interest in the gambling activities of the person who has been issued the owner's license or operating agent contract.

(D) Any other information the commission considers necessary for the effective administration of this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.25; P.L.97-2004, SEC.15; P.L.229-2013, SEC.13.

IC 4-33-5-1.5
Confidential information

Sec. 1.5. (a) The following information submitted, collected, or gathered as part of an application to the commission for a license is confidential for purposes of IC 5-14-3-4:

(1) Any information concerning a minor child of an applicant.

(2) The Social Security number of an applicant or the spouse of an applicant.

(3) The home telephone number of an applicant, or the spouse or children of an applicant.

(4) An applicant's birth certificate.

(5) An applicant's or applicant's spouse's driver's license number.

(6) The name or address of a previous spouse of the applicant.

(7) The date of birth of the spouse of an applicant.

(8) The place of birth of the spouse of an applicant.

(9) The personal financial records of an applicant or the spouse or minor child of an applicant.

(10) Any information concerning a victim of domestic violence, sexual assault, or stalking.

(11) The electronic mail address of an applicant or spouse or family member of the applicant.

(b) Except as provided in subsections (c) and (d), in addition to information that is confidential under subsection (a), all information maintained by the commission concerning an individual who holds, held, or has applied for an occupational license under this article:

(1) is confidential for purposes of IC 5-14-3; and

(2) may be released by the commission only for law

enforcement purposes or to a state or local public agency.

(c) The following information concerning an individual who holds, held, or has applied for an occupational license under this article is not confidential:

(1) The individual's name.

(2) The individual's place of employment.

(3) The individual's job title.

(4) The individual's gaming experience.

(5) The reason for denial or revocation of a license or for disciplinary action against the individual.

(6) Information submitted by the individual for a felony waiver request under IC 4-33-8-11.

(d) An individual who holds, held, or has applied for an occupational license under this article may waive the confidentiality requirements of subsection (b).

As added by P.L.125-2006, SEC.1. Amended by P.L.104-2008, SEC.2.

IC 4-33-5-2

Commission records

Sec. 2. Notwithstanding any other law, upon written request from a person, the commission shall provide the following information to the person:

(1) Except as provided in section 1.5 of this chapter, the information provided under section 1 of this chapter concerning a licensee or an applicant.

(2) The amount of the wagering tax and admission tax paid daily to the state by a licensed owner or an operating agent.

(3) A copy of a letter providing the reasons for the denial of an owner's license or an operating agent's contract.

(4) A copy of a letter providing the reasons for the commission's refusal to allow an applicant to withdraw the applicant's application.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.26; P.L.125-2006, SEC.2.

IC 4-33-5-3

Fees

Sec. 3. The commission may assess fees for the copying of information provided by the commission.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6

Chapter 6. Licensing of Owners

IC 4-33-6-1

Maximum number of licenses

Sec. 1. (a) The commission may issue to a person a license to own a riverboat subject to the numerical and geographical limitation of owner's licenses under this section, section 3.5 of this chapter, and IC 4-33-4-17. However, not more than ten (10) owner's licenses may be in effect at any time. Those ten (10) licenses are as follows:

(1) Two (2) licenses for a riverboat that operates from the city of Gary.

(2) One (1) license for a riverboat that operates from the city of Hammond.

(3) One (1) license for a riverboat that operates from the city of East Chicago.

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from the following counties:

(A) Vanderburgh County.

(B) Harrison County.

(C) Switzerland County.

(D) Ohio County.

(E) Dearborn County.

The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in this subdivision.

(b) In addition to its power to issue owner's licenses under subsection (a), the commission may also enter into a contract under IC 4-33-6.5 with respect to the operation of one (1) riverboat on behalf of the commission in a historic hotel district.

(c) A person holding an owner's license may not move the person's riverboat from the county in which the riverboat was docked on January 1, 2007, to any other county.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.8; P.L.55-1995, SEC.1; P.L.92-2003, SEC.27; P.L.149-2003, SEC.1; P.L.233-2007, SEC.14; P.L.137-2012, SEC.3; P.L.229-2013, SEC.14.

IC 4-33-6-2

Applicant requirements for an owner's license

Sec. 2. (a) A person applying for an owner's license under this chapter must pay a nonrefundable application fee to the commission. The commission shall determine the amount of the application fee.

(b) An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) This subsection applies to an applicant who applies after June 30, 2009, for an owner's license. An applicant shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the applicant's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10); and

(4) be submitted on the date that the applicant pays the application fee described in subsection (a).

(d) The commission shall review the applications for an owner's license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the owner's license.

(e) The costs of investigating an applicant for an owner's license under this chapter shall be paid from the application fee paid by the applicant.

(f) An applicant for an owner's license under this chapter must pay all additional costs that are:

(1) associated with the investigation of the applicant; and

(2) greater than the amount of the application fee paid by the applicant.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.142-2009, SEC.8.

IC 4-33-6-3

Restrictions on issuance

Sec. 3. The commission may not issue an owner's license under this chapter to a person if:

(1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;

(2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;

(3) the person is a member of the commission;

(4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);

(5) the person employs an individual who:

(A) is described in subdivision (1), (2), or (3); and

(B) participates in the management or operation of gambling operations authorized under this article;

(6) the person owns an ownership interest of more than the total amount of ownership interest permitted under section 3.5 of this chapter; or
(7) a license issued to the person:
(A) under this article; or
(B) to own or operate gambling facilities in another jurisdiction;
has been revoked.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.149-2003, SEC.2.

IC 4-33-6-3.5
Maximum number of owner's licenses that may be issued to a riverboat owner
Sec. 3.5. (a) For purposes of this section, a person is considered to have an ownership interest in a riverboat owner's license if the interest is owned directly or indirectly by the person or by an entity controlled by the person.
(b) A person may have up to a one hundred percent (100%) ownership interest in not more than two (2) riverboat licenses issued under this chapter.
(c) A person may not have an ownership interest in more than two (2) riverboat owner's licenses issued under this chapter.
(d) This section may not be construed to increase the maximum number of licenses permitted under section 1 of this chapter or the number of riverboats that may be owned and operated under a license under section 10 of this chapter.
As added by P.L.149-2003, SEC.3.

IC 4-33-6-4
Factors considered in granting licenses; submission of riverboat and dock design
Sec. 4. (a) In determining whether to grant an owner's license to an applicant, the commission shall consider the following:
(1) The character, reputation, experience, and financial integrity of the following:
(A) The applicant.
(B) A person that:
(i) directly or indirectly controls the applicant; or
(ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.
(2) The facilities or proposed facilities for the conduct of riverboat gambling.
(3) The highest prospective total revenue to be collected by the state from the conduct of riverboat gambling.
(4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment

classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(6) If the applicant has adequate capitalization to provide and maintain a riverboat for the duration of the license.

(7) The extent to which the applicant exceeds or meets other standards adopted by the commission.

(b) This subsection does not apply to:

(1) a licensed owner constructing a new riverboat under section 24 of this chapter; or

(2) a person applying for an owner's license to assume control of a riverboat operating from a dock previously approved by the commission.

In an application for an owner's license, the applicant must submit to the commission a proposed design of the riverboat and the dock. The commission may not grant a license to an applicant if the commission determines that it will be difficult or unlikely for the riverboat to depart from the dock.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.9; P.L.55-1995, SEC.2; P.L.255-2015, SEC.7.

IC 4-33-6-5

Location of riverboat or inland casino

Sec. 5. In an application for an owner's license, the applicant must state:

(1) the dock at which the riverboat is based and the navigable waterway on which the riverboat will operate; or

(2) in the case of an application for an owner's license to own and operate an inland casino under section 24 of this chapter, the site of the inland casino.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.255-2015, SEC.8.

IC 4-33-6-6

Riverboat requirements

Sec. 6. (a) Except as provided in subsection (c) or (d), a riverboat that operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2) must:

(1) have either:

(A) a valid certificate of inspection from the United States Coast Guard for the carrying of at least five hundred (500) passengers; or

(B) a valid certificate of compliance with marine structural and life safety standards determined by the commission; and

(2) be at least one hundred fifty (150) feet in length.

(b) This subsection applies only to a riverboat that operates on the Ohio River. A riverboat must replicate, as nearly as possible, historic Indiana steamboat passenger vessels of the nineteenth century.

However, steam propulsion or overnight lodging facilities are not required under this subsection.

(c) A riverboat described in IC 4-33-2-17(3) must have a valid certificate of compliance with the marine structural and life safety standards determined by the commission under IC 4-33-4-13.5 for a permanently moored craft.

(d) A riverboat constructed under section 24 of this chapter must comply with all applicable building codes and any safety requirements imposed by the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.10; P.L.92-2003, SEC.28; P.L.170-2005, SEC.7; P.L.15-2011, SEC.5; P.L.255-2015, SEC.9.

IC 4-33-6-7

Economic development

Sec. 7. (a) In granting a license under this chapter, the commission may give favorable consideration to the following:

(1) Economically depressed areas of Indiana.

(2) Applicants presenting plans that provide for significant economic development over a large geographic area.

(b) This subsection applies to any owner's license issued for a city described in section 1(a)(1) of this chapter. The commission must require the applicant to provide assurances that economic development will occur in the city and that adequate infrastructure and site preparation will be provided to support the riverboat operation. In order to prove the assurance that economic development will occur, the applicant must:

(1) construct or provide for the construction of an approved hotel; or

(2) cause economic development that will have an economic impact on the city that exceeds the economic impact that the construction of an approved hotel would have.

(c) This subsection applies to an owner's license issued for the City of East Chicago. If a controlling interest in the owner's license is transferred, the fiscal body of the City of East Chicago may adopt an ordinance voiding any term of the development agreement (as defined by IC 36-1-8-9.5) between:

(1) the city; and

(2) the person transferring the controlling interest in the owner's license;

that is in effect as of the date the controlling interest is transferred. The ordinance may provide for any payments made under the redevelopment agreement, including those held in escrow, to be redirected to the City of East Chicago for use as directed by ordinance of the city fiscal body. A requirement to redirect a payment is valid to the same extent as if the requirement had been part of the original agreement. If the ordinance provides for the voiding and renegotiation of any part of a redevelopment agreement,

the mayor of the City of East Chicago may negotiate with the person acquiring a controlling interest in the owner's license to replace any terms voided by the ordinance. Terms negotiated under this subsection must be ratified in an ordinance adopted by the city legislative body.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.234-2007, SEC.302.

IC 4-33-6-8

Issuance of license; fee; bond

Sec. 8. If the commission determines that a person is eligible under this chapter for an owner's license, the commission may issue an owner's license to the person if:

(1) the person pays an initial license fee of twenty-five thousand dollars ($25,000); and

(2) the person posts a bond as required in section 9 of this chapter.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-9

Bond

Sec. 9. (a) A licensed owner must post a bond with the commission at least sixty (60) days before the commencement of gambling on the riverboat.

(b) The bond shall be furnished in:

(1) cash or negotiable securities;

(2) a surety bond:

(A) with a surety company approved by the commission; and

(B) guaranteed by a satisfactory guarantor; or

(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.

(d) The bond:

(1) is subject to the approval of the commission;

(2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation; and

(3) must be payable to the commission as obligee for use in payment of the licensed owner's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed owner's bond is insufficient, the licensed owner shall upon written demand of the commission file a new bond.

(f) The commission may require a licensed owner to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

(1) five (5) years; or

(2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond, and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.12.

IC 4-33-6-10

Riverboat operation and docking; flexible scheduling; license expiration

Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) The holder of an owner's license issued under this chapter may implement flexible scheduling for the operation of the holder's riverboat under section 21 of this chapter.

(c) Except as provided in subsections (d) and (e), an owner's license issued under this chapter must specify the place where the riverboat must operate and dock.

(d) The commission may permit a riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed

one (1) year after the owner's license is issued.

(e) An owner's license issued with respect to a riverboat constructed under section 24 of this chapter must specify the site of the riverboat.

(f) An owner's initial license expires five (5) years after the effective date of the license.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.13; P.L.255-2015, SEC.10.

IC 4-33-6-11

Revocation of license

Sec. 11. The commission may revoke an owner's license if:

(1) the licensee begins regular operations more than twelve (12) months after receiving the commission's approval of the application for the license; and

(2) the commission determines that the revocation of the license is in the best interests of Indiana.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.14.

IC 4-33-6-12

Renewal of license; compliance investigations

Sec. 12. (a) Unless the owner's license is terminated, expires, or is revoked, the owner's license may be renewed annually upon:

(1) the payment of a five thousand dollar ($5,000) annual renewal fee; and

(2) a determination by the commission that the licensee satisfies the conditions of this article.

(b) A licensed owner shall undergo a complete investigation every three (3) years to determine that the licensed owner remains in compliance with this article.

(c) Notwithstanding subsection (b), the commission may investigate a licensed owner at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this article.

(d) The licensed owner shall bear the cost of an investigation or reinvestigation of the licensed owner and any investigation resulting from a potential transfer of ownership.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.11.

IC 4-33-6-13

Other licenses

Sec. 13. A licensed owner may apply to the commission for and may hold licenses that are necessary for the operation of a riverboat, including the following:

(1) A license to prepare and serve food for human consumption.

(2) Any other necessary license.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-14
Taxes; sales on riverboats

Sec. 14. All state excise taxes, use taxes, and gross retail taxes apply to sales on a riverboat.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-15
Gambling equipment, devices, and supplies

Sec. 15. A licensed owner may own gambling equipment, devices, and supplies. Each licensed owner must file an annual report listing the licensed owner's inventories of gambling equipment, devices, and supplies.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-16
Schools for training occupational licensees

Sec. 16. This article does not prohibit a licensed owner from operating a school for the training of occupational licensees.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-17
Nature of license

Sec. 17. A license to operate an excursion gaming boat:

(1) is a revocable privilege granted by the state; and

(2) is not a property right.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-6-18
Ordinances to permit docking in cities or counties

Sec. 18. (a) This subsection applies to cities described in section 1(a)(1) through 1(a)(4) of this chapter. The commission may not issue a license authorizing a riverboat to dock in a city unless the legislative body of the city has approved an ordinance permitting the docking of riverboats in the city.

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

(c) This subsection applies to a county described in section 1(a)(5) of this chapter if the largest city in the county is not contiguous to the Ohio River. The commission may not issue a license authorizing a riverboat to dock in the county unless an

ordinance permitting the docking of riverboats in the county has been approved by the county fiscal body.

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

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.2-1995, SEC.8; P.L.92-2003, SEC.29; P.L.2-2014, SEC.6.

IC 4-33-6-19

County approval of riverboat gambling

Sec. 19. (a) This section applies to:

(1) a county contiguous to the Ohio River;

(2) a county containing a historic hotel district; and

(3) a county contiguous to Lake Michigan that has a population of less than four hundred thousand (400,000).

(b) Notwithstanding any other provision of this article, the commission may not:

(1) issue a license under this article to allow a riverboat to operate in the county; or

(2) enter into a contract with an operating agent under IC 4-33-6.5;

unless the voters of the county have approved the conducting of gambling games on riverboats in the county.

(c) If the docking of a riverboat in the county is approved by an ordinance adopted under section 18 of this chapter, or if at least the number of the registered voters of the county required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the county during the next primary or general election:

"Shall riverboat gambling be permitted in ____ County?".

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a county and the voters of the county do not vote in favor of permitting riverboat gambling under this article, a second public question under this section may not be held in that county for at least two (2) years. If the voters of the county vote to reject riverboat gambling a second time, a third or subsequent public question under this section may not be held in that county until the general election held during the tenth year following the year that the previous public

question was placed on the ballot.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.1-1994, SEC.14; P.L.12-1995, SEC.96; P.L.2-1995, SEC.9; P.L.24-1996, SEC.10; P.L.3-1997, SEC.414; P.L.92-2003, SEC.30.

IC 4-33-6-20
City approval of riverboat gambling

Sec. 20. (a) This section applies to a city that:

(1) has a population of less than one hundred thousand (100,000); and

(2) is located in a county contiguous to Lake Michigan that has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) Notwithstanding any other provision of this article, the commission may not issue a license under this article to allow a riverboat to operate from a city to which this section applies unless the voters of the city have approved the conducting of gambling games on riverboats in the city.

(c) If the legislative body of the city approves the docking of a riverboat under section 19 of this chapter, or if at least the number of the registered voters of the city required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the circuit court clerk requesting that a local public question concerning riverboat gaming be placed on the ballot, the county election board shall place the following question on the ballot in the city during the next general election:

"Shall licenses be issued to permit riverboat gambling in the City of _____?".

(d) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9 and must be certified in accordance with IC 3-10-9-3.

(e) The clerk of the circuit court of a county holding an election under this chapter shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

(f) If a public question under this section is placed on the ballot in a city and the voters of the city do not vote in favor of permitting riverboat gambling under this article, another public question under this section may not be held in that city for at least two (2) years.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.12-1995, SEC.97; P.L.3-1997, SEC.415.

IC 4-33-6-21
Plan for flexible scheduling; approval by commission

Sec. 21. (a) A licensed owner may submit a plan for flexible scheduling to the commission by a date designated by the commission. Upon receipt of an appropriate plan, the commission shall authorize flexible scheduling and the licensed owner shall implement the flexible scheduling plan by the date designated by the

commission.

(b) A licensed owner that:

(1) submits a plan for flexible scheduling to the commission may include provisions; or

(2) has implemented a flexible scheduling plan may amend the plan to include provisions;

to conduct gambling operations for up to twenty-four (24) hours a day. Upon receipt of a plan or an amendment to a plan concerning operating hours, the commission shall authorize the licensed owner to implement the plan or amendment for the days and hours specified in the plan or amendment. The licensed owner shall implement the provisions related to operating days and hours by the date designated by the commission. If the licensed owner fails or ceases to operate in accordance with the authorized provisions concerning operating days and hours, the commission may rescind the authorization.

As added by P.L.192-2002(ss), SEC.15. Amended by P.L.224-2003, SEC.44.

IC 4-33-6-22

Submission of proposed power of attorney

Sec. 22. (a) This section applies to any licensed owner who was not required to submit a proposed power of attorney when applying for an owner's license.

(b) A licensed owner shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the licensed owner's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10); and

(4) be submitted before:

(A) November 1, 2009, in the case of a person holding an owner's license on July 1, 2009; or

(B) the deadline imposed by the commission in the case of a licensed owner who is subject to this section and not described by clause (A).

(c) The commission may not renew an owner's license unless the commission:

(1) receives a proposed power of attorney from the licensed owner;

(2) approves the trustee identified by the power of attorney; and

(3) approves the power of attorney.

(d) A licensed owner must petition the commission for its approval of any changes to a power of attorney approved by the commission.

As added by P.L.142-2009, SEC.9.

IC 4-33-6-23
Plans for permanently moored craft; equipment and personnel requirements

Sec. 23. (a) A licensed owner may submit to the commission a plan for:

(1) constructing a permanently moored craft to replace the licensed owner's self-propelled excursion boat; or

(2) converting the licensed owner's self-propelled excursion boat into a permanently moored craft.

(b) Upon receiving the commission's approval of a conversion plan submitted under subsection (a), a licensed owner may disable the propulsion and navigation equipment that had been required to comply with section 6(a) of this chapter.

(c) A licensed owner operating a permanently moored craft is not required to employ personnel that had been required to operate a self-propelled excursion boat.

As added by P.L.15-2011, SEC.6.

IC 4-33-6-24
Relocation from a docked riverboat to inland casino; adjacent property; number of gambling games

Sec. 24. (a) For purposes of this section, property is considered to be adjacent to a riverboat dock site even if it is separated from the dock site by public rights-of-way or railroad rights-of-way.

(b) A licensed owner may relocate the licensed owner's gaming operation from a docked riverboat to an inland casino if the following conditions are met:

(1) Except as provided in subsection (c), the casino is located on property that the licensed owner owned or leased and used in the conduct of the licensed owner's gaming operations on February 1, 2015.

(2) The casino is located on property adjacent to the dock site of the licensed owner's riverboat.

(3) The casino complies with all applicable building codes and any safety requirements imposed by the commission.

(4) The commission approves the relocation of the licensed owner's gaming operation.

(c) This subsection applies to a licensed owner that owns or leases property that is considered adjacent to a riverboat dock site under subsection (a). The licensed owner may:

(1) acquire part of the public rights-of-way or railroad rights-of-way to form a contiguous parcel with the property owned or leased by the licensed owner on February 1, 2015; and

(2) subject to the other requirements of this section, situate an inland casino on the contiguous parcel formed under

subdivision (1).

(d) The commission may impose any requirement upon a licensed owner relocating gaming operations under this section.

(e) The number of gambling games offered by a licensed owner in an inland facility operated under this section may not exceed the greatest number of gambling games offered by the licensed owner in the licensed owner's docked riverboat since January 1, 2007.

As added by P.L.255-2015, SEC.11.

IC 4-33-6-25

Number of gambling games

Sec. 25. (a) This section does not apply to a riverboat gaming operation relocated under section 24 of this chapter.

(b) The number of gambling games offered by a licensed owner or operating agent within the riverboat operated by the licensed owner or operating agent may not exceed the greatest number of gambling games offered by the licensed owner or operating agent since January 1, 2007.

As added by P.L.255-2015, SEC.12.

IC 4-33-6.5

Chapter 6.5. Riverboat Operating Agent Contract

IC 4-33-6.5-1

Maximum number of operating agent contracts

Sec. 1. The commission may enter into one (1) operating agent contract with a person to operate one (1) riverboat on behalf of the commission in a historic hotel district. The commission shall issue a request for proposals and award the contract under IC 5-22-9.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-2

Applicant requirements for an operating agent contract

Sec. 2. (a) A person, including a person who holds or has an interest in an owner's license issued under this article, may file an application with the commission to serve as an operating agent under this chapter. An applicant must pay a nonrefundable application fee to the commission in an amount to be determined by the commission.

(b) An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) This subsection applies to an applicant who applies after May 12, 2009, to serve as an operating agent under this chapter. An applicant shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the applicant's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10); and

(4) be submitted on the date that the applicant pays the application fee described in subsection (a).

(d) The commission shall review the applications filed under this chapter and shall inform each applicant of the commission's decision.

(e) The costs of investigating an applicant to serve as an operating agent under this chapter shall be paid from the application fee paid by the applicant.

(f) An applicant to serve as an operating agent under this chapter must pay all additional costs that are:

(1) associated with the investigation of the applicant; and

(2) greater than the amount of the application fee paid by the applicant.

As added by P.L.92-2003, SEC.31. Amended by P.L.142-2009, SEC.10; P.L.1-2010, SEC.9.

IC 4-33-6.5-3
Restrictions on issuance

Sec. 3. The commission may not enter into an operating agent contract with a person under this chapter if:

(1) the person has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States;

(2) the person has knowingly or intentionally submitted an application under this chapter that contains false information;

(3) the person is a member of the commission;

(4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);

(5) the person employs an individual who is described in subdivision (1), (2), or (3); or

(6) a license issued to the person to own or operate gambling facilities in another jurisdiction has been revoked.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-4
Factors considered in granting operating agent contract; submission of proposed riverboat design

Sec. 4. In determining whether to grant an operating agent contract to an applicant, the commission shall consider the following:

(1) The character, reputation, experience, and financial integrity of the following:

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or

(ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.

(2) The facilities or proposed facilities for the conduct of riverboat gambling in a historic hotel district. The applicant must submit to the commission a proposed design of the riverboat.

(3) The highest prospective total revenue to be collected by the state from the conduct of riverboat gambling.

(4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(6) Whether the applicant has adequate capitalization to operate a riverboat for the duration of the contract.

(7) The extent to which the applicant provides assurances that the applicant will participate in the funding of:

(A) specific economic development programs; or
(B) infrastructure improvements;
in the county where the riverboat is located.
(8) The extent to which the applicant exceeds or meets other standards adopted by the commission.
As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-5
Requirements of operating agent
Sec. 5. After selecting the most appropriate operating agent applicant, the commission may enter into an operating agent contract with the person. The operating agent contract must comply with this article and include the following terms and conditions:
(1) The operating agent must pay a nonrefundable initial fee of one million dollars ($1,000,000) to the commission. The fee must be deposited by the commission into the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).
(2) The operating agent must post a bond as required in section 6 of this chapter.
(3) The operating agent must implement flexible scheduling.
(4) The operating agent must locate the riverboat in a historic hotel district at a location approved by the commission.
(5) The operating agent must comply with any requirements concerning the exterior design of the riverboat that are approved by the commission.
(6) Notwithstanding any law limiting the maximum length of contracts:
(A) the initial term of the contract may not exceed twenty (20) years; and
(B) any renewal or extension period permitted under the contract may not exceed twenty (20) years.
(7) The operating agent must collect and remit all taxes under IC 4-33-12 and IC 4-33-13.
(8) The operating agent must comply with the restrictions on the transferability of the operating agent contract under section 12 of this chapter.
As added by P.L.92-2003, SEC.31. Amended by P.L.234-2007, SEC.278.

IC 4-33-6.5-6
Bond
Sec. 6. (a) An operating agent must post a bond with the commission at least sixty (60) days before the commencement of regular riverboat operations in the historic hotel district.
(b) The bond must be furnished in:
(1) cash or negotiable securities;
(2) a surety bond:

(A) with a surety company approved by the commission; and
(B) guaranteed by a satisfactory guarantor; or
(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the operating agent.

(d) The bond:
(1) is subject to the approval of the commission;
(2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation; and
(3) must be payable to the commission as obligee for use in payment of the riverboat's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

Any bond proceeds remaining after the payments shall be deposited in the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of an operating agent's bond is insufficient, the operating agent shall, upon written demand of the commission, file a new bond.

(f) The commission may require an operating agent to file a new bond with a satisfactory surety in the same form and amount if:
(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or
(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the operating agent's contract. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the operating agent remains at the site of the riverboat operating within the historic hotel district:
(1) for five (5) years; or
(2) until the date the commission enters into a contract with another operating agent to operate from the site for which the bond was posted;

whichever occurs first.

(i) An operating agent who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission and used in the same manner as specified in subsection (d).

(j) The total liability of the surety on a bond is limited to the amount specified in the bond, and the continuous nature of the bond may not be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time specified under subsection (h); and

(2) a written request is submitted by the operating agent.

As added by P.L.92-2003, SEC.31. Amended by P.L.234-2007, SEC.279.

IC 4-33-6.5-7

Reinvestigations of operating agent

Sec. 7. (a) An operating agent shall undergo a complete investigation at least once every three (3) years to ensure that the operating agent remains in compliance with this article.

(b) Notwithstanding subsection (a), the commission may investigate an operating agent at any time the commission determines it is necessary to ensure that the operating agent remains in compliance with this article.

(c) An operating agent shall bear the cost of an investigation or a reinvestigation under this section.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-8

Maximum number of riverboats operated by operating agent

Sec. 8. An operating agent contract under this chapter permits the operating agent to operate one (1) riverboat on behalf of the commission.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-9

Other licenses

Sec. 9. An operating agent may apply to the commission for and may hold licenses that are necessary for the operation of a riverboat, including the following:

(1) A license to prepare and serve food for human consumption.

(2) Any other necessary license.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-10

Equipment of operating agent; annual inventory report

Sec. 10. An operating agent may own gambling equipment, devices, and supplies. Each operating agent must file an annual report listing the operating agent's inventories of gambling equipment, devices, and supplies.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-11
Schools for training occupational licensees

Sec. 11. This article does not prohibit an operating agent from operating a school for the training of occupational licensees.
As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-12
Operating agent contract, transfer, sale, purchase, or voting trust; rules of procedure; prohibitions

Sec. 12. (a) An operating agent must apply for and receive the commission's approval before:

(1) an operating agent's contract is:
(A) transferred;
(B) sold; or
(C) purchased; or

(2) a voting trust agreement or other similar agreement is established with respect to the operating agent.

(b) The commission shall adopt rules governing the procedure an operating agent or other person must follow to take an action under subsection (a). The rules must specify that a person who obtains an ownership interest in an operating agent contract must meet the criteria of this article and any rules adopted by the commission. An operating agent may transfer an interest in an operating agent contract only in accordance with this article and rules adopted by the commission.

(c) An operating agent or any other person may not:

(1) lease;
(2) hypothecate; or
(3) borrow or loan money against;

an operating agent contract.
As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-13
Prohibited terms of contract

Sec. 13. A contract entered into under this chapter may not include any terms under which the operating agent is required to pay any amount to the state or the gaming commission other than the fees and taxes specifically authorized or required under this article.
As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-14
Duties of operating agent

Sec. 14. Except as otherwise specifically provided by this article, an operating agent is charged with all the duties imposed upon a licensed owner under this article.
As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-15

Riverboat operated by operating agent subject to property taxes

Sec. 15. A riverboat operated under an operating agent contract under this article is not exempt from property taxes imposed under IC 6-1.1.

As added by P.L.92-2003, SEC.31.

IC 4-33-6.5-16

Submission of proposed power of attorney

Sec. 16. (a) The person holding an operating agent contract on July 1, 2009, shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the operating agent's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10); and

(4) be submitted before November 1, 2009.

(b) The commission may not renew an operating agent contract unless the commission:

(1) receives a proposed power of attorney from the operating agent;

(2) approves the trustee identified by the power of attorney; and

(3) approves the power of attorney.

(c) An operating agent must petition the commission for its approval of any changes to a power of attorney approved by the commission.

As added by P.L.142-2009, SEC.11.

IC 4-33-7

Chapter 7. Licensing of Suppliers

IC 4-33-7-1

Supplier's license; requirements; gambling games at racetracks

Sec. 1. (a) The commission may issue a supplier's license under this chapter to a person if:

(1) the person has:

(A) applied for the supplier's license;

(B) paid a nonrefundable application fee set by the commission;

(C) paid a seven thousand five hundred dollar ($7,500) annual license fee; and

(D) submitted the following on forms provided by the commission:

(i) if the applicant is an individual, two (2) sets of the individual's fingerprints; and

(ii) if the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant; and

(2) the commission has determined that the applicant is eligible for a supplier's license.

(b) A license issued under this chapter after June 30, 2009, satisfies the requirements of IC 4-35-6-1 with respect to suppliers for gambling games conducted at racetracks (as defined in IC 4-35-2-9).

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.12; P.L.142-2009, SEC.12.

IC 4-33-7-2

Gambling equipment and supplies; distribution

Sec. 2. (a) A person holding a supplier's license may sell, lease, and contract to sell or lease gambling equipment and supplies to a licensee or an operating agent involved in the ownership or management of riverboat gambling operations.

(b) Gambling supplies and equipment may not be distributed unless the gambling supplies and equipment conform to standards adopted by the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.32.

IC 4-33-7-3

Restrictions on issuance of license

Sec. 3. A person may not receive a supplier's license if:

(1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;

(2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;

(3) the person is a member of the commission;
(4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
(5) the person employs an individual who:
(A) is described in subdivision (1), (2), or (3); and
(B) participates in the management or operation of gambling operations authorized under this article;
(6) the person owns more than a ten percent (10%) ownership interest in:
(A) any other person holding an owner's license; or
(B) an operating agent contract;
issued under this article; or
(7) a license issued to the person:
(A) under this article; or
(B) to supply gaming supplies in another jurisdiction;
has been revoked.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.33.

IC 4-33-7-4
Necessity of license; exception
Sec. 4. (a) Except as provided in subsection (b), a person may not furnish any equipment, devices, or supplies to a riverboat gambling operation unless the person possesses a supplier's license.
(b) A person holding a valid permit under IC 7.1 to deal in alcoholic beverages may supply alcoholic beverages to a riverboat gambling operation without possessing a supplier's license. A person authorized to supply alcoholic beverages under this subsection must comply with IC 7.1.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.28-1996, SEC.1.

IC 4-33-7-5
Sale or lease of equipment, devices, and supplies; information furnished to commission
Sec. 5. (a) A supplier shall furnish to the commission a list of all equipment, devices, and supplies offered for sale or lease in connection with gambling games authorized under this article.
(b) A supplier shall keep books and records for the furnishing of equipment, devices, and supplies to gambling operations separate from books and records of any other business operated by the supplier.
(c) A supplier shall file a quarterly return with the commission listing all sales and leases.
(d) A supplier shall permanently affix the supplier's name to all of the supplier's equipment, devices, and supplies for riverboat gambling operations.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-7-6
Forfeiture of equipment, devices, or supplies

Sec. 6. A supplier's equipment, devices, or supplies that are used by a person in an unauthorized gambling operation shall be forfeited to the state.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-7-7
Repair of equipment, devices, and supplies

Sec. 7. Gambling equipment, devices, and supplies that are provided by a supplier may be:

(1) repaired on a riverboat; or

(2) removed for repair from the riverboat to a facility owned by a licensed owner or an operating agent.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.34.

IC 4-33-7-8
License renewal; compliance investigations; gambling games at racetracks; deductions

Sec. 8. (a) Unless a supplier's license is suspended, expires, or is revoked, the supplier's license may be renewed annually upon:

(1) the payment of a seven thousand five hundred dollar ($7,500) annual renewal fee; and

(2) a determination by the commission that the licensee is in compliance with this article.

(b) The holder of a supplier's license shall undergo a complete investigation every three (3) years to determine that the licensee is in compliance with this article.

(c) Notwithstanding subsection (b), the commission may investigate the holder of a supplier's license at any time the commission determines it is necessary to ensure that the licensee is in compliance with this article.

(d) The holder of a supplier's license shall bear the cost of an investigation or reinvestigation of the licensee and any investigation resulting from a potential transfer of ownership.

(e) A person who on June 30, 2009:

(1) held a supplier's license under IC 4-35-6; and

(2) did not hold a supplier's license under this chapter;

may obtain a renewal of the supplier's license under this chapter.

(f) A license renewed and held under this chapter after June 30, 2009, satisfies the requirements of IC 4-35-6-1 with respect to suppliers for gambling games conducted at racetracks (as defined in IC 4-35-2-9).

(g) This subsection applies to a supplier described in subsection (e) who applies for a renewal under this chapter. If the supplier's application is approved by the commission, the supplier is entitled to deduct the product of the following from the renewal fee due under

subsection (a):

(1) six hundred twenty-five dollars ($625); multiplied by

(2) the number of months remaining on the annual license issued to the supplier under IC 4-35-6 when that license was terminated on July 1, 2009.

As added by P.L.20-1995, SEC.13. Amended by P.L.142-2009, SEC.13.

IC 4-33-8

Chapter 8. Licensing of Occupations

IC 4-33-8-1

Occupations requiring license

Sec. 1. The commission shall determine the occupations related to riverboat gambling that require a license under this chapter.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-2

Occupational licenses; requirements; fees; duration; renewal; compliance investigations

Sec. 2. (a) The commission may issue an occupational license to an individual if:

(1) the individual has applied for the occupational license;

(2) a nonrefundable application fee set by the commission has been paid on behalf of the applicant in accordance with subsection (b);

(3) the commission has determined that the applicant is eligible for an occupational license; and

(4) an initial license fee in an amount established by the commission has been paid on behalf of the applicant in accordance with subsection (b).

(b) A licensed owner, an applicant for a riverboat owner's license, an operating agent, an applicant for an operating agent contract, or a holder of a supplier's license shall pay the application fee of an individual applying for an occupational license to work:

(1) at the licensed owner's or operating agent's riverboat gambling operation; or

(2) for the holder of a supplier's license.

The licensed owner, applicant for a riverboat owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license shall pay the initial occupational license fee or license renewal fee on behalf of an employee or potential employee. The licensed owner, applicant for a riverboat owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license may seek reimbursement of an application fee, initial license fee, or license renewal fee from an employee who is issued an occupational license.

(c) A license issued under this chapter is valid for one (1) year, two (2) years, or (3) years after the date of issuance as determined by the commission.

(d) Unless an occupational license is suspended, expires, or is revoked, the occupational license may be renewed upon:

(1) the payment of a license renewal fee by the licensed owner, operating agent, or holder of a supplier's license on behalf of the licensee in an amount established by the commission; and

(2) a determination by the commission that the licensee is in

compliance with this article.

(e) The commission may investigate the holder of an occupational license at any time the commission determines it is necessary to ensure that the licensee is in compliance with this article.

(f) A licensed owner, an applicant for a riverboat owner's license, an operating agent, an applicant for an operating agent contract, or a holder of a supplier's license shall pay the cost of an investigation or reinvestigation of a holder of an occupational license who is employed by the licensed owner, operating agent, or licensed supplier. The licensed owner, applicant for a riverboat owner's license, operating agent, applicant for an operating agent contract, or holder of a supplier's license may seek reimbursement of the cost of an investigation or reinvestigation from an employee who holds an occupational license.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.14; P.L.92-2003, SEC.35; P.L.142-2009, SEC.14.

IC 4-33-8-3

Qualifications

Sec. 3. Except as provided by section 11 of this chapter, the commission may not issue an occupational license to an individual unless the individual:

(1) is at least eighteen (18) years of age;

(2) has not been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States;

(3) has demonstrated a level of skill or knowledge that the commission determines is necessary to operate gambling games on a riverboat; and

(4) has met standards adopted by the commission for the holding of an occupational license.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-4

Management of riverboat gambling operations

Sec. 4. The commission shall adopt rules under IC 4-22-2 providing the following:

(1) That an individual applying for an occupational license to manage riverboat gambling operations under this article is subject to background inquiries and requirements similar to those required for an applicant for an owner's license under IC 4-33-6.

(2) That each individual applying for an occupational license may manage gambling operations for only one (1) licensed owner or operating agent.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.36.

IC 4-33-8-5

Applications

Sec. 5. (a) An application for an occupational license must:

(1) be made on forms prescribed by the commission; and

(2) contain all information required by the commission.

(b) An applicant for an occupational license must provide the following information in the application:

(1) If the applicant has held other licenses relating to gambling.

(2) If the applicant has been licensed in any other state under any other name. The applicant must provide under this subdivision the name under which the applicant was licensed in the other state.

(3) The applicant's age.

(4) If a permit or license issued to the applicant in another state has been suspended, restricted, or revoked. The applicant must describe the date and length of a suspension, restriction, or revocation described in this subdivision.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-6

Fingerprints

Sec. 6. An applicant for an occupational license must submit with the application two (2) sets of the applicant's fingerprints. The applicant must submit the fingerprints on forms provided by the commission. The commission shall charge each applicant a fee set by the state police department to defray the costs associated with the search and classification of the applicant's fingerprints.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-7

Restrictions on issuance of license

Sec. 7. The commission may refuse to issue an occupational license to an individual who:

(1) is unqualified to perform the duties required of the applicant;

(2) does not disclose or states falsely any information required by the application;

(3) has been found guilty of a violation of this article;

(4) has had a gambling related license or an application for a gambling related license suspended, restricted, revoked, or denied for just cause in another state; or

(5) for just cause is considered by the commission to be unfit to hold an occupational license.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-8

Suspension, revocation, or restriction of licenses

Sec. 8. The commission may suspend, revoke, or restrict an occupational licensee for the following reasons:

(1) A violation of this article.
(2) A cause that if known to the commission would have disqualified the applicant from receiving the occupational license.
(3) A default in the payment of an obligation or a debt due to the state.
(4) Any other just cause.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-8-9
Schools for training occupational licensees

Sec. 9. (a) This article does not prohibit a licensed owner or an operating agent from entering into an agreement with a school approved by the commission for the training of an occupational licensee.

(b) Training offered by a school described in subsection (a) must be:
(1) in accordance with a written agreement between the licensed owner or operating agent and the school; and
(2) approved by the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.37.

IC 4-33-8-10
Training locations

Sec. 10. Training provided for occupational licensees may be conducted:
(1) on a riverboat; or
(2) at a school with which a licensed owner or an operating agent has entered into an agreement under section 9 of this chapter.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.38.

IC 4-33-8-11
Convicted felons; rehabilitation; waiver

Sec. 11. (a) An individual who is disqualified under section 3(2) of this chapter due to a conviction for a felony may apply to the commission for a waiver of the requirements of section 3(2) of this chapter.

(b) The commission may waive the requirements of section 3(2) of this chapter with respect to an individual applying for an occupational license if:
(1) the individual qualifies for a waiver under subsection (e) or (f); and
(2) the commission determines that the individual has demonstrated by clear and convincing evidence the individual's rehabilitation.

(c) In determining whether the individual applying for the occupational license has demonstrated rehabilitation under subsection (b), the commission shall consider the following factors:

(1) The nature and duties of the position applied for by the individual.

(2) The nature and seriousness of the offense or conduct.

(3) The circumstances under which the offense or conduct occurred.

(4) The date of the offense or conduct.

(5) The age of the individual when the offense or conduct was committed.

(6) Whether the offense or conduct was an isolated or a repeated incident.

(7) A social condition that may have contributed to the offense or conduct.

(8) Evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational education, successful participation in a correctional work release program, or the recommendation of a person who has or has had the individual under the person's supervision.

(9) The complete criminal record of the individual.

(10) The prospective employer's written statement that:

(A) the employer has been advised of all of the facts and circumstances of the individual's criminal record; and

(B) after having considered the facts and circumstances, the prospective employer will hire the individual if the commission grants a waiver of the requirements of section 3(2) of this chapter.

(d) The commission may not waive the requirements of section 3(2) of this chapter for an individual who has been convicted of committing any of the following:

(1) A felony in violation of federal law (as classified in 18 U.S.C. 3559).

(2) A felony of fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction.

(3) A felony of conspiracy to commit a felony described in subdivision (1), (2) or (4) under the laws of Indiana or any other jurisdiction.

(4) A felony of gambling under IC 35-45-5 or IC 35-45-6 or a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 35-45-5 or IC 35-45-6.

(e) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted of committing:

(A) a felony described in IC 35-42 against another human

being or a felony described in IC 35-48-4;

(B) a felony under Indiana law that results in bodily injury, serious bodily injury, or death to another human being; or

(C) a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a felony described in clause (A) or (B); and

(2) ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(f) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted in Indiana or any other jurisdiction of committing a felony not described in subsection (d) or (e); and

(2) five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(g) To enable a prospective employer to determine, for purposes of subsection (c)(10), whether the prospective employer has been advised of all of the facts and circumstances of the individual's criminal record, the commission shall notify the prospective employer of all information that the commission:

(1) has obtained concerning the individual; and

(2) is authorized to release under IC 5-14.

(h) The commission shall deny the individual's request to waive the requirements of section 3(2) of this chapter if the individual fails to disclose to both the commission and the prospective employer all information relevant to this section.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.29-1996, SEC.1.

IC 4-33-8.5

Chapter 8.5. Suspension, Probation, and Denial of Licenses for Failure to Pay Child Support

IC 4-33-8.5-1

Inapplicability of IC 4-33-11-1

Sec. 1. IC 4-33-11-1 does not apply to this chapter.

As added by P.L.23-1996, SEC.9.

IC 4-33-8.5-2

Duties of commission upon receipt of support order; reinstatement

Sec. 2. (a) Upon receiving an order of a court issued under IC 31-16-12-9 (or IC 31-1-11.5-13(l), IC 31-6-6.1-16(l), or IC 31-14-12-6 before their repeal) the commission shall:

(1) suspend a license issued under this article to a person who is the subject of the order; and

(2) promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(A) That the person's license is suspended beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate not earlier than ten (10) business days after the commission receives an order allowing reinstatement from the court that issued the suspension order.

(B) That the person has the right to petition for reinstatement of a license issued under this chapter to the court that issued the order for suspension.

(b) The commission shall not reinstate a license suspended under subsection (a) until the commission receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L.23-1996, SEC.9. Amended by P.L.1-1997, SEC.27; P.L.207-2013, SEC.3.

IC 4-33-8.5-3

Notice; probationary status; appeal; reinstatement

Sec. 3. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h), the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the

commission shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and

(C) request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(c), the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this article has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed, the commission shall suspend the person's license.

(d) The commission may not reinstate a license placed on probation or suspended under this section until the commission receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

As added by P.L.23-1996, SEC.9. Amended by P.L.1-1997, SEC.28; P.L.145-2006, SEC.9; P.L.103-2007, SEC.2.

IC 4-33-8.5-4

Sanctions and penalties for failure to withhold delinquent child support; immunity from liability

Sec. 4. (a) A licensed owner, operating agent, or trustee that fails to comply with IC 4-33-4-27 is subject to penalties and sanctions established by the commission under section 5 of this chapter.

(b) A licensed owner, operating agent, or trustee that makes a payment of cash winnings to an obligor in violation of IC 4-33-4-27 is not liable to a person to whom the obligor owes child support.

(c) A licensed owner, operating agent, or trustee is immune from civil and criminal liability for acting in compliance with IC 4-33-4-27.

As added by P.L.80-2010, SEC.2.

IC 4-33-8.5-5

Sanctions and penalties for failure to withhold delinquent child support

Sec. 5. (a) A licensed owner, operating agent, or trustee that personally or through the act or omission of an employee, independent contractor, agent, or representative fails to withhold delinquent child support from the cash winnings of an obligor as required under IC 4-33-4-27 is subject to sanctions and penalties established by the commission under this section.

(b) The commission may adopt rules under IC 4-22-2 to establish penalties and sanctions for any licensed owner, operating agent, or trustee who fails to withhold delinquent child support from cash winnings as required by IC 4-33-4-27.

As added by P.L.80-2010, SEC.3.

IC 4-33-9
Chapter 9. Gambling Operations

IC 4-33-9-1
Approved gambling locations

Sec. 1. Gambling may be conducted on a riverboat or in a facility in which a card tournament approved under section 10.5 of this chapter is conducted by:

(1) a licensed owner;
(2) an operating agent; or
(3) a trustee in accordance with IC 4-33-21.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.39; P.L.142-2009, SEC.15; P.L.15-2011, SEC.7.

IC 4-33-9-2
Docked riverboats; inapplicability to flexible scheduling

Sec. 2. (a) This section does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21.

(b) Except as provided in subsections (c) and (d), gambling may not be conducted while a riverboat is docked.

(c) If the master of the riverboat reasonably determines and certifies in writing that:

(1) specific weather conditions, water conditions, or traffic conditions present a danger to the riverboat and the riverboat's passengers and crew;
(2) either the vessel or the docking facility is undergoing mechanical or structural repair;
(3) water traffic conditions present a danger to:
  (A) the riverboat, riverboat passengers, and crew; or
  (B) other vessels on the water; or
(4) the master has been notified that a condition exists that would cause a violation of federal law if the riverboat were to cruise;

the riverboat may remain docked and gaming may take place until the master determines that the conditions have sufficiently diminished or been corrected for the riverboat to safely proceed or the duration of the authorized excursion has expired.

(d) The commission shall by rule permit gambling to be conducted for periods of not more than thirty (30) minutes during passenger embarkation and not more than thirty (30) minutes during passenger disembarkation.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.15; P.L.55-1995, SEC.3; P.L.192-2002(ss), SEC.16.

IC 4-33-9-3
Cruises; duration

Sec. 3. (a) Except as provided in subsection (b), a riverboat cruise may not exceed four (4) hours for a round trip.

(b) Subsection (a) does not apply to an extended cruise that is expressly approved by the commission.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.17.

IC 4-33-9-4
Minimum and maximum wagers
Sec. 4. Minimum and maximum wagers on gambling games shall be determined by the person who has been issued an owner's license or an operating agent contract.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.40.

IC 4-33-9-5
Inspection of riverboats
Sec. 5. The following may board and inspect a riverboat at any time to determine if this article is being violated:
(1) Employees of the commission.
(2) Officers of the state police department.
(3) Conservation officers of the department of natural resources.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-6
Stopping riverboat for law enforcement officer, conservation officer, or commission agent
Sec. 6. A riverboat that is under way must stop immediately and lay to if the riverboat is hailed by a state police officer, a conservation officer of the department of natural resources, or an agent of the commission.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-7
Presence of commission employees and conservation officers on riverboats or facilities
Sec. 7. Employees of the commission and conservation officers of the department of natural resources have the right to be present on a riverboat or adjacent facilities under the control of a person who has been issued an owner's license or operating agent contract.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.41.

IC 4-33-9-8
Gambling equipment and supplies; purchase or lease
Sec. 8. Gambling equipment and supplies customarily used in conducting riverboat gambling may be purchased or leased only from suppliers licensed under this article.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-9
Permitted forms of wagering

Sec. 9. A person who has been issued an owner's license or an operating agent contract may not permit any form of wagering on gambling games except as permitted under this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.42.

IC 4-33-9-10
Presence required for wagering

Sec. 10. (a) Wagers may be received only from a person present on a riverboat or in a facility in which a card tournament approved under section 10.5 of this chapter is conducted.

(b) A person present on a riverboat or in a facility in which a card tournament approved under section 10.5 of this chapter is conducted may not place or attempt to place a wager on behalf of another person who is not present on the riverboat or in the facility during the approved card tournament.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.43; P.L.15-2011, SEC.8.

IC 4-33-9-10.5
Card tournaments in approved facilities

Sec. 10.5. (a) A licensed owner or an operating agent may apply to the commission for approval to conduct card tournaments at a facility other than the riverboat on which the licensed owner or operating agent is authorized to conduct gambling games under this article.

(b) The application must specify the facility in which the licensed owner or operating agent will conduct the card tournament if the application is approved. The facility must be in a hotel or other permanent structure that is:

(1) owned or leased by the licensed owner or operating agent; and

(2) located on land that is adjacent to:

(A) the dock to which the applicant's riverboat is moored; or

(B) the land on which the applicant's riverboat is situated, in the case of an application submitted by an operating agent.

(c) The application must be submitted on a form prescribed by the commission. The application must state the:

(1) date;

(2) time;

(3) place; and

(4) nature;

of the proposed card tournament. The commission may require the applicant to submit any additional information relevant to the commission's consideration of the application.

(d) As a condition of its approval, the commission may impose

upon the applicant any requirement that the commission determines is necessary to protect the credibility and integrity of gambling operations authorized by this article.
As added by P.L.15-2011, SEC.9.

IC 4-33-9-11
Negotiable currency; wagering prohibited
Sec. 11. Wagering may not be conducted with money or other negotiable currency.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-12
Persons under 21 years of age; presence in gambling area
Sec. 12. (a) Except as provided in subsection (b), a person who is less than twenty-one (21) years of age may not be present in the area of a riverboat where gambling is being conducted.
(b) A person who is at least eighteen (18) years of age and who is an employee of the riverboat gambling operation may be present in the area of the riverboat where gambling is conducted. However, an employee who is less than twenty-one (21) years of age may not perform any function involving gambling by the patrons.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-13
Persons under 21 years of age; wagering prohibited
Sec. 13. A person who is less than twenty-one (21) years of age may not make a wager under this article.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-14
Navigability of waterways
Sec. 14. (a) This section applies only to a riverboat that operates from a county that is contiguous to the Ohio River.
(b) A cruise is permitted only when the navigable waterway for which the riverboat is licensed is navigable, as determined by the commission in consultation with the United States Army Corps of Engineers.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.18.

IC 4-33-9-15
Acquisition of tokens, chips, or electronic cards
Sec. 15. (a) All tokens, chips, or electronic cards that are used to make wagers must be acquired from the owner or operating agent of the riverboat:
(1) while present in the riverboat; or
(2) at an on-shore facility that:
(A) has been approved by the commission; and

(B) is located where the riverboat docks.

(b) The tokens, chips, or electronic cards may be acquired by means of an agreement under which the owner or operating agent extends credit to the patron.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.44; P.L.229-2013, SEC.15.

IC 4-33-9-16

Tokens, chips, or electronic cards; use

Sec. 16. Tokens, chips, or electronic cards may be used while aboard the riverboat only for the purpose of making wagers on gambling games.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-9-17

Approval of limited mobile gaming systems

Sec. 17. (a) A licensed owner or operating agent may request approval from the commission to use a limited mobile gaming system in the gambling operations of the licensed owner or operating agent.

(b) The commission may approve the use of a limited mobile gaming system under this article to allow a patron to wager on gambling games while present in the gaming area (as defined under the rules of the commission) of a riverboat. A patron may not transmit a wager using a mobile gaming device while present in any other location.

As added by P.L.229-2013, SEC.16.

IC 4-33-10
Chapter 10. Crimes and Penalties

IC 4-33-10-1
Class A misdemeanor

Sec. 1. A person who knowingly or intentionally:

(1) makes a false statement on an application submitted under this article;

(2) operates a gambling operation or a cruise in which wagering is conducted or is to be conducted in a manner other than the manner required under this article;

(3) permits a person less than twenty-one (21) years of age to make a wager;

(4) aids, induces, or causes a person less than twenty-one (21) years of age who is not an employee of the riverboat gambling operation to enter or attempt to enter a riverboat;

(5) wagers or accepts a wager at a location other than a riverboat; or

(6) makes a false statement on an application submitted to the commission under this article;

commits a Class A misdemeanor.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.19; P.L.158-2013, SEC.69.

IC 4-33-10-1.5
Class C infractions

Sec. 1.5. (a) A person who:

(1) is not an employee of the riverboat gambling operation;

(2) is less than twenty-one (21) years of age; and

(3) enters a riverboat;

commits a Class C infraction.

(b) A person who:

(1) is not an employee of the riverboat gambling operation;

(2) is less than twenty-one (21) years of age; and

(3) attempts to enter a riverboat;

commits a Class C infraction.

As added by P.L.158-2013, SEC.70.

IC 4-33-10-2
Level 6 felonies

Sec. 2. A person who knowingly or intentionally does any of the following commits a Level 6 felony:

(1) Offers, promises, or gives anything of value or benefit:

(A) to a person who is connected with the owner or operating agent of a riverboat, including an officer or an employee of a riverboat owner, an operating agent, or a holder of an occupational license; and

(B) under an agreement to influence or with the intent to

influence:

(i) the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(2) Solicits, accepts, or receives a promise of anything of value or benefit:

(A) while the person is connected with a riverboat, including an officer or employee of a licensed owner, an operating agent, or a holder of an occupational license; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(3) Uses or possesses with the intent to use a device to assist in:

(A) projecting the outcome of the game;

(B) keeping track of the cards played;

(C) analyzing the probability of the occurrence of an event relating to the gambling game; or

(D) analyzing the strategy for playing or betting to be used in the game, except as permitted by the commission.

(4) Cheats at a gambling game.

(5) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this article.

(6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players.

(7) Places a bet on the outcome of a gambling game after acquiring knowledge that:

(A) is not available to all players; and

(B) concerns the outcome of the gambling game that is the subject of the bet.

(8) Aids a person in acquiring the knowledge described in subdivision (7) for the purpose of placing a bet contingent on the outcome of a gambling game.

(9) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a gambling game:

(A) with the intent to defraud; or

(B) without having made a wager contingent on winning a gambling game.

(10) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a gambling game.

(11) Uses or possesses counterfeit chips or tokens in or for use in a gambling game.

(12) Possesses a key or device designed for:

(A) opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or a mechanical

device connected with the gambling game; or

(B) removing coins, tokens, chips, or other contents of a gambling game.

This subdivision does not apply to a licensee or an operating agent or an employee of a licensee or an operating agent acting in the course of the employee's employment.

(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.16; P.L.2-1998, SEC.11; P.L.92-2003, SEC.45; P.L.158-2013, SEC.71.

IC 4-33-10-2.1

Licensees or persons who have an interest in a licensee; operating contract considered a license; operating agent considered a licensee

Sec. 2.1. (a) This section applies only to contributions made after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

(d) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

(e) As used in this section, "license" means:

(1) an owner's license issued under this article;

(2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment; or

(3) an operating agent contract issued under this article.

(f) As used in this section, "licensee" means a person who holds a license. The term includes an operating agent.

(g) As used in this section, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

(h) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the licensee.
(2) The person is an officer of the licensee.
(3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.
(4) The person is a political action committee of the licensee.

(i) A licensee is considered to have made a contribution if a contribution is made by a person who has an interest in the licensee.

(j) A licensee or a person who has an interest in a licensee may not make a contribution to a candidate or a committee during the following periods:
(1) The term during which the licensee holds a license.
(2) The three (3) years following the final expiration or termination of the licensee's license.

(k) A person who knowingly or intentionally violates this section commits a Level 6 felony.

As added by P.L.4-1996, SEC.94. Amended by P.L.92-2003, SEC.46; P.L.158-2013, SEC.72.

IC 4-33-10-2.5
Prohibition on gifts to induce committee members on local public question

Sec. 2.5. (a) This section applies only to property given after June 30, 1996.

(b) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(c) As used in this section, "license" means:
(1) an owner's license issued under this article;
(2) a supplier's license issued under this article to a supplier of gaming supplies or equipment, including electronic gaming equipment; or
(3) an operating agent contract entered into under this article.

(d) As used in this section, "licensee" means a person who holds a license. The term includes an operating agent.

(e) As used in this section, "officer" refers only to either of the following:
(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
(2) An individual who is a successor to an individual described in subdivision (1).

(f) For purposes of this section, a person is considered to have an interest in a licensee if the person satisfies any of the following:
(1) The person holds at least a one percent (1%) interest in the licensee.
(2) The person is an officer of the licensee.
(3) The person is an officer of a person that holds at least a one percent (1%) interest in the licensee.
(4) The person is a political action committee of the licensee.

(g) A licensee or a person with an interest in a licensee may not give any property (as defined in IC 35-31.5-2-253) to a member of a precinct committee to induce the member of the precinct committee to do any act or refrain from doing any act with respect to the approval of a local public question under IC 4-33-6-19.

(h) A person who knowingly or intentionally violates this section commits a Level 6 felony.

As added by P.L.24-1996, SEC.11. Amended by P.L.2-1997, SEC.14; P.L.92-2003, SEC.47; P.L.114-2012, SEC.9; P.L.158-2013, SEC.73.

IC 4-33-10-3

Possession of cheating devices; presumption

Sec. 3. The possession of more than one (1) of the devices described in section 2(3), 2(5), 2(12), or 2(13) of this chapter creates a rebuttable presumption that the possessor intended to use the devices for cheating.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.17.

IC 4-33-10-4

Convicted felons; entering riverboats prohibited

Sec. 4. A person who is convicted of a felony described in this chapter is barred for life from entering a riverboat regulated under this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-10-5

Venue

Sec. 5. An action to prosecute a crime occurring on a riverboat while the riverboat is moored at a dock or during a cruise shall be tried in the county of the dock where the riverboat was moored or the cruise was initiated.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.20.

IC 4-33-10-6

Persons prohibited from wagering

Sec. 6. (a) The following individuals may not wager on gambling games at a riverboat:

(1) A member of the commission.

(2) An employee of the commission.

(3) The spouse of any individual listed in subdivisions (1) and (2).

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

As added by P.L.221-2013, SEC.4.

IC 4-33-11
Chapter 11. Judicial Review

IC 4-33-11-1
Administrative orders and procedures law applicable to commission

Sec. 1. Except as provided in this article, IC 4-21.5 applies to actions of the commission.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-11-2
Venue

Sec. 2. An appeal of a final rule or order of the commission may be commenced under IC 4-21.5 in the circuit court or superior court of the county containing the dock or site of the riverboat.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.255-2015, SEC.13; P.L.84-2016, SEC.17.

IC 4-33-11-3
Suspension of license; required suspension of operations by operating agent; revocation of license

Sec. 3. (a) The commission may:

(1) suspend a license issued to the owner of a riverboat; or

(2) require an operating agent to suspend operations;

without notice or hearing if the commission determines that the safety or health of patrons or employees would be threatened by the continued operation of the riverboat.

(b) The suspension of an owner's license or an operating agent's operations under this section may remain in effect until the commission determines that the cause for suspension has been abated. The commission may revoke the license if the commission determines that the owner or operating agent has not made satisfactory progress toward abating the hazard.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.48.

IC 4-33-12

Chapter 12. Admission Taxes

IC 4-33-12-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The amendments made to section 6 of this chapter by P.L.178-2002 apply to riverboat admissions taxes collected after June 30, 2002.

(2) The amendments made to section 1 of this chapter by P.L.192-2002(ss) apply to admissions occurring and receipts received after June 30, 2002.

(3) The amendments made to section 6 of this chapter by P.L.234-2007 apply to riverboat admissions taxes remitted by an operating agent after June 30, 2007.

As added by P.L.220-2011, SEC.54.

IC 4-33-12-0.5

Application

Sec. 0.5. This chapter does not apply to a riverboat in a historic hotel district.

As added by P.L.255-2015, SEC.14.

IC 4-33-12-1

Admissions tax rate

Sec. 1. (a) This subsection does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21. A tax is imposed on admissions to gambling excursions authorized under this article at a rate of three dollars ($3) for each person admitted to the gambling excursion. This admission tax is imposed upon the licensed owner conducting the gambling excursion.

(b) This subsection applies only to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5. A tax is imposed on the admissions to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5 at the rate of three dollars ($3) for each person admitted to the riverboat. This admission tax is imposed upon the licensed owner or operating agent operating the riverboat.

(c) The commission may by rule determine the point at which a person is considered to be:

(1) admitted to a gambling excursion, in the case of a riverboat subject to subsection (a); or

(2) admitted to a riverboat, in the case of a riverboat subject to subsection (b);

for purposes of collecting the admissions tax under this chapter.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.21; P.L.92-2003, SEC.49; P.L.233-2007,

SEC.15; P.L.96-2010, SEC.2.

IC 4-33-12-2
Admission tickets; inapplicability to flexible scheduling

Sec. 2. (a) This section does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21.

(b) If tickets are issued that may be used for admission to more than one (1) gambling excursion, the admission tax must be paid for each person using the ticket on each gambling excursion for which the ticket is used.

(c) If free passes or complimentary admission tickets are issued, a person who has been issued an owner's license shall pay the same tax on the passes or complimentary tickets as if the passes or tickets were sold at the regular admission rate.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.22.

IC 4-33-12-3
Tax free passes

Sec. 3. (a) A licensed owner or an operating agent may issue tax-free passes to the following persons:

(1) Actual and necessary officials and employees of the licensee or operating agent.

(2) Other persons actually working on the riverboat.

(b) The number and issuance of tax-free passes is subject to the rules of the commission. A list of all persons to whom the tax-free passes are issued must be filed with the commission.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.50.

IC 4-33-12-4
Payment of taxes

Sec. 4. (a) A licensed owner or an operating agent must pay the admissions taxes collected to the department. The licensed owner or operating agent must make the tax payments each day for the preceding day's admissions.

(b) The payment of the tax under this section must be on a form prescribed by the department.

(c) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

(d) If the department requires taxes to be paid under this section through electronic funds transfer, the department may allow the licensed owner or operating agent to file a monthly report to reconcile the amount of taxes paid to the department.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.51.

IC 4-33-12-5

Suspension of license or gaming operations for failure to submit payment or return

Sec. 5. The commission may suspend or revoke the license of a licensed owner or order the suspension of gaming operations of an operating agent that does not submit the payment or the tax return form within the required time.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.52.

IC 4-33-12-6 Version a

Disposition of tax revenue

Note: This version of section effective until 7-1-2016. See also following version of this section, effective 7-1-2016.

Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by subsection (c), the treasurer of state shall quarterly pay the following amounts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Except as provided in subsection (j), sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

(c) This subsection applies to tax revenue collected from a riverboat that operates from Lake County. Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars ($875,000); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from East Chicago during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) eight hundred seventy-five thousand dollars ($875,000); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Gary's

funding obligation to the authority under IC 36-7.5-4-2.

(3) The lesser of:

(A) eight hundred seventy-five thousand dollars ($875,000); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(4) The lesser of:

(A) eight hundred seventy-five thousand dollars ($875,000); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Lake County during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(5) Except as provided in subsection (j), the remainder, if any, of:

(A) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1), (2), or (3), whichever is applicable, for the calendar quarter;

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

(6) Except as provided in subsection (j), the remainder, if any, of:

(A) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (4) for the calendar quarter;

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

(7) Except as provided in subsection (j), nine cents ($0.09) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(8) Except as provided in subsection (j), one cent ($0.01) of the

admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter shall be paid to the northwest Indiana law enforcement training center.

(9) Except as provided in subsection (j), fifteen cents ($0.15) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(10) Except as provided in subsection (j), ten cents ($0.10) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(11) Sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter shall be paid to the state general fund.

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

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

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

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

(4) is considered miscellaneous revenue.

(e) Money paid by the treasurer of state under subsection (b)(3) or (c)(7) shall be:

(1) deposited in:

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

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

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

(f) Money received by the division of mental health and addiction under subsections (b)(5) and (c)(10):

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

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

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

(g) This subsection applies to the following:

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

(2) Each entity receiving money under subsection (c)(5) through (c)(6).

(3) Each entity receiving money under subsection (c)(9) through (c)(10).

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

(h) This subsection applies to an entity receiving money under subsection (c)(7) or (c)(8). The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (c)(7) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection (c)(7). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection (c)(8). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(i) The total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (g) or (h). For purposes of this section, the treasurer of state shall treat any amounts distributed under subsection (c) to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:

(1) distributed to an entity; and

(2) constructively received by an entity;

under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

(j) The treasurer of state shall pay that part of the riverboat admissions taxes that:

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

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

to the state general fund instead of to the entity.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.2-1995, SEC.10; P.L.54-1995, SEC.2; P.L.90-1997, SEC.2; P.L.151-2001, SEC.1; P.L.215-2001, SEC.6; P.L.178-2002, SEC.2; P.L.192-2002(ss), SEC.23; P.L.1-2003, SEC.10; P.L.92-2003, SEC.53; P.L.4-2005, SEC.23; P.L.233-2007, SEC.16; P.L.234-2007, SEC.280; P.L.3-2008, SEC.13; P.L.146-2008, SEC.17; P.L.96-2010, SEC.3; P.L.119-2012, SEC.9; P.L.205-2013, SEC.67; P.L.229-2013, SEC.17; P.L.2-2014, SEC.7; P.L.192-2015, SEC.1; P.L.255-2015, SEC.15; P.L.149-2016, SEC.12.

IC 4-33-12-6 Version b

Disposition of tax revenue in counties other than Lake County

Note: This version of section effective 7-1-2016. See also preceding version of this section, effective until 7-1-2016.

Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by section 8 of this chapter, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in section 9(g) of this chapter, one dollar ($1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

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

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

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

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

(2) Except as provided in section 9(g) of this chapter, one dollar ($1) of the admissions tax collected by the licensed owner for each person:

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

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

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

(3) Except as provided in section 9(g) of this chapter, ten cents ($0.10) of the admissions tax collected by the licensed owner

for each person:

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

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

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

(4) Except as provided in section 9(g) of this chapter, fifteen cents ($0.15) of the admissions tax collected by the licensed owner for each person:

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

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

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

(5) Except as provided in section 9(g) of this chapter, ten cents ($0.10) of the admissions tax collected by the licensed owner for each person:

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

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

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

(6) Sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.2-1995, SEC.10; P.L.54-1995, SEC.2; P.L.90-1997, SEC.2; P.L.151-2001, SEC.1; P.L.215-2001, SEC.6; P.L.178-2002, SEC.2; P.L.192-2002(ss), SEC.23; P.L.1-2003, SEC.10; P.L.92-2003, SEC.53; P.L.4-2005, SEC.23; P.L.233-2007, SEC.16; P.L.234-2007, SEC.280; P.L.3-2008, SEC.13; P.L.146-2008, SEC.17; P.L.96-2010, SEC.3; P.L.119-2012, SEC.9; P.L.205-2013, SEC.67; P.L.229-2013, SEC.17; P.L.2-2014, SEC.7; P.L.192-2015, SEC.1; P.L.255-2015, SEC.15; P.L.149-2016, SEC.12; P.L.204-2016, SEC.1.

IC 4-33-12-6.2
Repealed

(As added by P.L.176-2002, SEC.1. Repealed by P.L.192-2002(ss), SEC.190.)

IC 4-33-12-7

Repealed

(As added by P.L.233-2007, SEC.17. Repealed by P.L.229-2013, SEC.18.)

IC 4-33-12-8

Disposition of tax revenue in Lake County

Sec. 8. (a) This section applies to tax revenue collected from a riverboat operating from Lake County.

(b) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from East Chicago:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars ($875,000); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars ($218,750); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of East Chicago.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents ($0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent ($0.01) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents ($0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents ($0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

(c) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from each riverboat operating from Gary:

(1) The lesser of:

(A) four hundred thirty-seven thousand five hundred dollars ($437,500); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Gary's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars ($218,750); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the

remainder, if any, of:

(A) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Gary.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents ($0.09) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent ($0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents ($0.15) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents ($0.10) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state general fund.

(d) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from Hammond:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars ($875,000); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars ($218,750); or

(B) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Hammond.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar ($1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents ($0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent ($0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen

cents ($0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents ($0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents ($0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

As added by P.L.204-2016, SEC.2.

IC 4-33-12-9

Payment of admissions tax to certain governmental entities; calculation of base year revenue; payments to state general fund

Sec. 9. (a) Money paid to a unit of local government under section 6 or 8 of this chapter:

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

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

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

(4) is considered miscellaneous revenue.

(b) Money paid by the treasurer of state to a county convention and visitors bureau or promotion fund under section 6 of this chapter must be:

(1) deposited in:

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

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

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

(c) Money received by the division of mental health and addiction under section 6 or 8 of this chapter:

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

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

(3) shall be used by the division of mental health and addiction

for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions.

The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(d) This subsection applies to the following entities receiving money under section 6 or 8 of this chapter:

(1) A city or county.

(2) A county convention and visitors bureau or promotion fund for a county other than Lake County.

(3) The state fair commission.

(4) The division of mental health and addiction.

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

(e) This subsection applies to the following entities receiving money under section 8 of this chapter:

(1) A county convention and visitors bureau for Lake County.

(2) The northwest Indiana law enforcement training center.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subdivision (1) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subdivision (1). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subdivision (2). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(f) The total amount of money distributed to an entity under section 6 or 8 of this chapter during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (d) or (e). For purposes of this section, the treasurer of state shall treat any amounts distributed under section 8 of this chapter to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:

(1) distributed to an entity; and

(2) constructively received by an entity;

under section 6 or 8 of this chapter during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make

a supplemental distribution to the entity under IC 4-33-13-5.

(g) The treasurer of state shall pay that part of the riverboat admissions taxes that:

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

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

to the state general fund instead of to the entity.

As added by P.L.204-2016, SEC.3.

IC 4-33-12.5

Chapter 12.5. Distribution of Admissions Tax Revenue to Certain Municipalities

IC 4-33-12.5-1

"Construction"

Sec. 1. As used in this chapter, "construction" has the meaning set forth in IC 8-14-1-1(4).

As added by P.L.214-2005, SEC.5.

IC 4-33-12.5-2

"Eligible municipalities"

Sec. 2. As used in this chapter, "eligible municipalities" means the following cities and towns located in Lake County:

(1) Cedar Lake.
(2) Crown Point.
(3) Dyer.
(4) Griffith.
(5) Highland.
(6) Hobart.
(7) Lake Station.
(8) Lowell.
(9) Merrillville.
(10) Munster.
(11) New Chicago.
(12) St. John.
(13) Schererville.
(14) Schneider.
(15) Winfield.
(16) Whiting.

As added by P.L.214-2005, SEC.5.

IC 4-33-12.5-3

"Highways"

Sec. 3. As used in this chapter, "highways" has the meaning set forth in IC 8-14-1-1(3).

As added by P.L.214-2005, SEC.5.

IC 4-33-12.5-4

"Maintenance"

Sec. 4. As used in this chapter, "maintenance" has the meaning set forth in IC 8-14-1-1(6).

As added by P.L.214-2005, SEC.5.

IC 4-33-12.5-5

"Reconstruction"

Sec. 5. As used in this chapter, "reconstruction" has the meaning set forth in IC 8-14-1-1(5).

As added by P.L.214-2005, SEC.5.

IC 4-33-12.5-6
Revenue allocation and distribution

Sec. 6. (a) Lake County shall distribute twenty-five percent (25%) of the:

(1) admissions tax revenue received by the county under IC 4-33-12-8; and

(2) supplemental distributions received under IC 4-33-13-5;

to the eligible municipalities.

(b) The amount that shall be distributed by the county to each eligible municipality under subsection (a) is based on the eligible municipality's proportionate share of the total population of all eligible municipalities. The most current certified census information available shall be used to determine an eligible municipality's proportionate share under this subsection. The determination of proportionate shares under this subsection shall be modified under the following conditions:

(1) The certification from any decennial census completed by the United States Bureau of the Census.

(2) Submission by one (1) or more eligible municipalities of a certified special census commissioned by an eligible municipality and performed by the United States Bureau of the Census.

(c) If proportionate shares are modified under subsection (b), distribution to eligible municipalities shall change with the:

(1) payments beginning April 1 of the year following the certification of a special census under subsection (b)(2); and

(2) the next quarterly payment following the certification of a decennial census under subsection (b)(1).

As added by P.L.214-2005, SEC.5. Amended by P.L.205-2013, SEC.68; P.L.192-2015, SEC.2; P.L.255-2015, SEC.16; P.L.204-2016, SEC.4.

IC 4-33-12.5-7
Revenue distribution dates

Sec. 7. The county shall make payments under this chapter directly to each eligible municipality. The county shall make payments to the eligible municipalities not more than thirty (30) days after the county receives the quarterly distribution of admission tax revenue under IC 4-33-12-8 or the supplemental distributions received under IC 4-33-13-5 from the state.

As added by P.L.214-2005, SEC.5. Amended by P.L.205-2013, SEC.69; P.L.204-2016, SEC.5.

IC 4-33-12.5-8
Distributions received; use of money

Sec. 8. An eligible municipality may use money received from the

county under this chapter only for the following infrastructure improvements:

(1) Construction, reconstruction, repair, maintenance, oiling, and sprinkling of highways and curbs.

(2) Separation of the grades of crossing of highways and railroads.

(3) Engineering, land acquisition, construction, resurfacing, maintenance, restoration, and rehabilitation of both local and arterial road and street systems.

(4) Payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects.

(5) Local costs required to undertake a recreational or reservoir road project under IC 8-23-5.

(6) Construction, equipment, remodeling, extension, repair, and betterment of structures, including the following:

(A) Sanitary sewers and sanitary sewer tap-ins.

(B) Sidewalks.

(C) Curbs.

(D) Streets.

(E) Alleys.

(F) Pedestrian-ways or malls set aside entirely, partly, or during restricted hours, for pedestrian traffic rather than vehicular traffic.

(G) Other paved public places.

(H) Parking facilities.

(I) Lighting.

(J) Electric signals.

(K) Landscaping, including trees, shrubbery, flowers, grass, fountains, benches, statues, floodlighting, gas lighting, and structures of a decorative, an educational, or a historical nature.

(7) Sewage works, including the following:

(A) Sewage treatment plants.

(B) Intercepting sewers.

(C) Main sewers.

(D) Submain sewers.

(E) Local sewers.

(F) Lateral sewers.

(G) Outfall sewers.

(H) Storm sewers.

(I) Force mains.

(J) Pumping stations.

(K) Ejector stations.

(L) Any other structures necessary or useful for the collection, treatment, purification, and sanitary disposal of the liquid waste, solid waste, sewage, storm drainage, and other drainage of a municipality.

As added by P.L.214-2005, SEC.5.

IC 4-33-13

Chapter 13. Wagering Taxes

IC 4-33-13-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The amendments made to section 1 of this chapter by P.L.192-2002(ss) apply to admissions occurring and receipts received after June 30, 2002.

(2) The addition of section 1.5 of this chapter by P.L.192-2002(ss) applies to admissions occurring and receipts received after June 30, 2002.

(3) The amendments made to section 5 of this chapter by P.L.234-2007 apply to riverboat wagering taxes remitted by an operating agent after June 30, 2007.

As added by P.L.220-2011, SEC.55.

IC 4-33-13-0.2

Calculation and collection of wagering taxes; penalties and interest; general assembly does not acquiesce in certain interpretation of statutes

Sec. 0.2. (a) This section applies to the calculation and collection of wagering taxes on the adjusted gross receipts of a riverboat received:

(1) on or after the date that the riverboat implemented flexible scheduling under IC 4-33-6-21; and

(2) before July 1, 2003.

(b) The general assembly does not acquiesce in any interpretation of section 1.5 of this chapter and P.L.192-2002(ss), SECTION 205 that excludes adjusted gross receipts of a riverboat received after June 30, 2002, and before the date that the riverboat implemented flexible scheduling under IC 4-33-6-21 from the determination of which wagering tax rate to apply to adjusted gross receipts of the riverboat received on or after the riverboat implemented flexible scheduling under IC 4-33-6-21.

(c) Wagering taxes imposed under section 1.5 of this chapter on adjusted gross receipts received on or after the date that the riverboat implemented flexible scheduling under IC 4-33-6-21 must be calculated and deposited using a graduated wagering tax rate selected (as stated in section 1.5 of this chapter) through a calculation that includes "adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year".

(d) All penalties and interest otherwise due from a riverboat that underpaid the amount of wagering tax due after June 30, 2002, and before May 1, 2003, as a result of a failure to include adjusted gross receipts received by the riverboat after June 30, 2002, and before the

date that the riverboat implemented flexible scheduling under IC 4-33-6-21 in the determination of which wagering tax rate to apply to adjusted gross receipts received after the riverboat implemented flexible scheduling under IC 4-33-6-21 are waived if the riverboat paid the unpaid balance due in two (2) equal installments on the following dates:

(1) July 1, 2003.

(2) July 1, 2004.

As added by P.L.220-2011, SEC.56.

IC 4-33-13-1

Adjusted gross receipts tax; rate; payment; inapplicability to flexible scheduling

Sec. 1. (a) This section does not apply to a riverboat that has implemented flexible scheduling under IC 4-33-6-21.

(b) Subject to section 1.5(j) of this chapter, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this article at the rate of twenty-two and five-tenths percent (22.5%) of the amount of the adjusted gross receipts.

(c) The licensed owner shall remit the tax imposed by this chapter to the department before the close of the business day following the day the wagers are made.

(d) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

(e) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensed owner to file a monthly report to reconcile the amounts remitted to the department.

(f) The department may allow taxes remitted under this section to be reported on the same form used for taxes paid under IC 4-33-12.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.192-2002(ss), SEC.24; P.L.224-2003, SEC.45; P.L.229-2013, SEC.19.

IC 4-33-13-1.5

Graduated wagering tax applied to riverboats implementing flexible scheduling

Sec. 1.5. (a) This section applies only to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 or IC 4-33-6.5.

(b) This subsection applies only to a riverboat that received at least seventy-five million dollars ($75,000,000) of adjusted gross receipts during the preceding state fiscal year. A graduated tax is imposed on the adjusted gross receipts received from gambling games authorized under this article as follows:

(1) Fifteen percent (15%) of the first twenty-five million dollars ($25,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) Twenty percent (20%) of the adjusted gross receipts in excess of twenty-five million dollars ($25,000,000) but not exceeding fifty million dollars ($50,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars ($50,000,000) but not exceeding seventy-five million dollars ($75,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(4) Thirty percent (30%) of the adjusted gross receipts in excess of seventy-five million dollars ($75,000,000) but not exceeding one hundred fifty million dollars ($150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(5) Thirty-five percent (35%) of all adjusted gross receipts in excess of one hundred fifty million dollars ($150,000,000) but not exceeding six hundred million dollars ($600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(6) Forty percent (40%) of all adjusted gross receipts exceeding six hundred million dollars ($600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(c) This subsection applies only to a riverboat that received less than seventy-five million dollars ($75,000,000) of adjusted gross receipts during the preceding state fiscal year. A graduated tax is imposed on the adjusted gross receipts received from gambling games authorized under this article as follows:

(1) Five percent (5%) of the first twenty-five million dollars ($25,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) Twenty percent (20%) of the adjusted gross receipts in excess of twenty-five million dollars ($25,000,000) but not exceeding fifty million dollars ($50,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) Twenty-five percent (25%) of the adjusted gross receipts in excess of fifty million dollars ($50,000,000) but not exceeding seventy-five million dollars ($75,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(4) Thirty percent (30%) of the adjusted gross receipts in excess of seventy-five million dollars ($75,000,000) but not exceeding one hundred fifty million dollars ($150,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(5) Thirty-five percent (35%) of all adjusted gross receipts in excess of one hundred fifty million dollars ($150,000,000) but not exceeding six hundred million dollars ($600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(6) Forty percent (40%) of all adjusted gross receipts exceeding six hundred million dollars ($600,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(d) The licensed owner or operating agent of a riverboat taxed under subsection (c) shall pay an additional tax of two million five hundred thousand dollars ($2,500,000) in any state fiscal year in which the riverboat's adjusted gross receipts exceed seventy-five million dollars ($75,000,000). The additional tax imposed under this subsection is due before July 1 of the following state fiscal year.

(e) The licensed owner or operating agent shall remit the tax imposed by this chapter to the department before the close of the business day following the day the wagers are made.

(f) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

(g) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensed owner or operating agent to file a monthly report to reconcile the amounts remitted to the department.

(h) The department may allow taxes remitted under this section to be reported on the same form used for taxes paid under IC 4-33-12.

(i) If a riverboat implements flexible scheduling during any part of a period beginning July 1 of each year and ending June 30 of the following year, the tax rate imposed on the adjusted gross receipts received while the riverboat implements flexible scheduling shall be computed as if the riverboat had engaged in flexible scheduling during the entire period beginning July 1 of each year and ending June 30 of the following year.

(j) If a riverboat:

(1) implements flexible scheduling during any part of a period beginning July 1 of each year and ending June 30 of the following year; and

(2) before the end of that period ceases to operate the riverboat with flexible scheduling;

the riverboat shall continue to pay a wagering tax at the tax rates imposed under subsection (b) until the end of that period as if the riverboat had not ceased to conduct flexible scheduling.

As added by P.L.192-2002(ss), SEC.25. Amended by P.L.224-2003, SEC.46; P.L.92-2003, SEC.54; P.L.97-2004, SEC.16; P.L.233-2007, SEC.18; P.L.229-2013, SEC.20.

IC 4-33-13-1.7
Historic hotel district riverboat tax credit

Sec. 1.7. (a) This section applies only to a riverboat located in a historic hotel district in a state fiscal year if:

(1) the riverboat received not more than eighty million dollars ($80,000,000) of adjusted gross receipts during the preceding state fiscal year; and

(2) the operating agent for the riverboat and the owner of the historic hotels resort are the entities that were the operating agent and owner of the historic hotels resort on January 1, 2015.

(b) As used in this section, "historic hotels resort" refers to the historic hotels, the riverboat operated under IC 4-33-6.5, and other properties operated in conjunction with the historic hotel enterprise located in Orange County, including golf courses.

(c) An operating agent is entitled to a French Lick historic tax credit against the tax imposed under section 1.5 of this chapter as provided in this section. The amount of the credit for a state fiscal year is equal to the following:

(1) Fifty percent (50%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received not more than sixty million dollars ($60,000,000) of adjusted gross receipts during the preceding state fiscal year.

(2) Forty percent (40%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than sixty million dollars ($60,000,000) but not more than sixty-five million dollars ($65,000,000) of adjusted gross receipts during the preceding state fiscal year.

(3) Thirty percent (30%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than sixty-five million dollars ($65,000,000) but not more than seventy million dollars ($70,000,000) of adjusted gross receipts during the preceding state fiscal year.

(4) Twenty percent (20%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than seventy million dollars ($70,000,000) but not more than seventy-five million dollars ($75,000,000) of adjusted gross receipts during the preceding state fiscal year.

(5) Ten percent (10%) of the tax that the operating agent would otherwise be required to remit to the department, if the riverboat received more than seventy-five million dollars ($75,000,000) but not more than eighty million dollars ($80,000,000) of adjusted gross receipts during the preceding state fiscal year.

(6) A credit is not allowed under this section for a state fiscal year if the riverboat received more than eighty million dollars ($80,000,000) of adjusted gross receipts during the preceding state fiscal year.

The operating agent may apply the credit on any remittance.

(d) A credit under this section is not refundable.

(e) The amount of revenue retained as a credit must be used by the operating agent and the owner of the historic hotels resort for one (1) or more of the following purposes:

(1) For expenditures to maintain or operate a historic hotel, as determined by the owner of the historic hotels resort.

(2) For expenditures to maintain or operate:

(A) the grounds surrounding a historic hotel;

(B) supporting buildings and structures related to a historic hotel; and

(C) other facilities used by the guests of the historic hotel;

as determined by the owner of the historic hotels resort.

Any amount retained as a credit that is not used for a purpose described in subdivision (1) or (2) not more than twelve (12) months after the end of the state fiscal year in which the amount is retained must be remitted to the department for deposit in the state general fund.

(f) The owner of the historic hotels resort must maintain the records required by the department for the period specified by the department to substantiate that the money retained as a credit under this section was used for the purposes described in subsection (e).

As added by P.L.255-2015, SEC.17.

IC 4-33-13-2

State gaming fund; establishment

Sec. 2. The state gaming fund is established. Money in the fund does not revert to the state general fund at the end of the state fiscal year.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.273-1999, SEC.41.

IC 4-33-13-3

Deposits into state gaming fund

Sec. 3. The department shall deposit tax revenue collected under this chapter in the state gaming fund.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.273-1999, SEC.42.

IC 4-33-13-4

Appropriations

Sec. 4. Sufficient funds are annually appropriated to the commission from the state gaming fund to administer this article.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.20-1995, SEC.18; P.L.273-1999, SEC.43.

IC 4-33-13-5

Disposition of tax revenue

Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district.

After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

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

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

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

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

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

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

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

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, 2015. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

(1) Fifty-six and five-tenths percent (56.5%) shall be paid to the state general fund.

(2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

(A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:

(i) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution

among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote

successful and sustainable communities. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

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

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

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

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

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

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

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

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

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

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

subsection as follows:

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

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

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

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

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

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

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

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) Before July 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 or IC 4-33-12-8 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-9), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under IC 4-33-12-9); minus

(2) the sum of:

(A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 or IC 4-33-12-8; plus

(B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

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

(1) To each city, other than a consolidated city, located in the

county according to the ratio that the city's population bears to the total population of the county.

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

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

(i) This subsection applies to a supplemental distribution made after June 30, 2013. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars ($48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars ($48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 or IC 4-33-12-8 bears to the total amount distributed under IC 4-33-12-6 and IC 4-33-12-8 to all entities receiving a supplemental distribution.

(j) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (g) and (i). Beginning in July 2016, the treasurer of state shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

(1) the remaining amount of the supplemental distribution; or

(2) the difference, if any, between:

(A) three million five hundred thousand dollars ($3,500,000); minus

(B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

The treasurer of state shall distribute the amounts deducted under this subsection to the northwest Indiana redevelopment authority established under IC 36-7.5-2-1 for deposit in the development authority fund established under IC 36-7.5-4-1.

(k) Money distributed to a political subdivision under subsection (b):

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

(2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;

(3) except as provided in subsection (b)(2)(B), may be used for any legal or corporate purpose of the political subdivision,

including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

Money distributed under subsection (b)(2)(B) must be used for the purposes specified in subsection (b)(2)(B).

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.2-1995, SEC.11; P.L.25-1995, SEC.7; P.L.273-1999, SEC.44; P.L.186-2002, SEC.11; P.L.178-2002, SEC.3; P.L.192-2002(ss), SEC.26; P.L.185-2003, SEC.1; P.L.92-2003, SEC.55; P.L.224-2003, SEC.47; P.L.97-2004, SEC.17; P.L.2-2005, SEC.10; P.L.246-2005, SEC.46; P.L.91-2006, SEC.4; P.L.233-2007, SEC.19; P.L.234-2007, SEC.281; P.L.3-2008, SEC.14; P.L.146-2008, SEC.18; P.L.96-2010, SEC.4; P.L.119-2012, SEC.10; P.L.205-2013, SEC.70; P.L.229-2013, SEC.21; P.L.2-2014, SEC.8; P.L.192-2015, SEC.3; P.L.255-2015, SEC.18; P.L.204-2016, SEC.6.

IC 4-33-13-5.1

Use of certain funds received under section 5 of chapter; requirements

Sec. 5.1. Subject to:

(1) the appropriation requirements in IC 6-1.1; and

(2) any agreement entered into by a city, town, or county that commits the money for a particular purpose;

money received at any time under section 5(d) (currently, section 5(e) or 5(h)) of this chapter may be used after May 7, 2003, for any purpose authorized by section 5 of this chapter.

As added by P.L.220-2011, SEC.57.

IC 4-33-13-6

Tax revenue paid to local governments

Sec. 6. (a) Money paid to a unit of local government under this chapter:

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

(2) may not be used to reduce the unit's maximum or actual levy under IC 6-1.1-18.5; and

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

(b) This chapter does not prohibit the city or county designated as the home dock of the riverboat from entering into agreements with other units of local government in Indiana or in other states to share the city's or county's part of the tax revenue received under this chapter.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.90-1997, SEC.3.

IC 4-33-13-7

Deductions for qualified wagering; assignment of deduction

Sec. 7. (a) This section applies to adjusted gross receipts from wagering on gambling games that occurs after the effective date of this section, as added by SEA 528-2013.

(b) As used in this section, "qualified wagering" refers to wagers made by patrons using noncashable vouchers, coupons, electronic credits, or electronic promotions provided by the licensed owner or operating agent.

(c) Subject to subsection (d), a licensed owner or operating agent may at any time during a state fiscal year deduct from the adjusted gross receipts reported by the licensed owner or operating agent adjusted gross receipts attributable to qualified wagering. A licensed owner or operating agent must take a deduction under this section on a form and in the manner prescribed by the department.

(d) A licensed owner or operating agent may not deduct more than the following amounts in a particular state fiscal year:

(1) Two million five hundred thousand dollars ($2,500,000) in a state fiscal year ending before July 1, 2013.

(2) Five million dollars ($5,000,000) in a state fiscal year beginning after June 30, 2013. and ending before July 1, 2015.

(3) Seven million dollars ($7,000,000) in a state fiscal year beginning after June 30, 2015.

(e) A licensed owner or operating agent may for a state fiscal year assign all or part of the amount of the deduction under this section that is not claimed by the licensed owner or operating agent for the state fiscal year to another licensed owner, operating agent, or licensee as defined by IC 4-35-2-7. An assignment under this subsection must be in writing and both the licensed owner or operating agent assigning the deduction and the licensed owner, operating agent, or licensee as defined by IC 4-35-2-7 to which the deduction is assigned shall report the assignment to the commission and to the department. The maximum amount that may be assigned under this subsection by a licensed owner or operating agent for a state fiscal year is equal to the result of:

(1) seven million dollars ($7,000,000); minus

(2) the amount deducted under this subsection by the licensed owner or operating agent for the state fiscal year.

As added by P.L.229-2013, SEC.22. Amended by P.L.255-2015, SEC.19.

IC 4-33-14

Chapter 14. Minority and Women's Business Participation

IC 4-33-14-1

Legislative declaration

Sec. 1. The general assembly declares that the opportunity for full minority and women's business enterprise participation in the riverboat industry is essential if social and economic parity is to be obtained by minority and women business persons and if the economies of the riverboat cities are to be stimulated as contemplated by this article.

As added by P.L.277-1993(ss), SEC.124.

IC 4-33-14-2

"Minority" defined

Sec. 2. As used in this chapter, "minority" means a member of a minority group as defined in IC 4-13-16.5-1.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.195-2001, SEC.9.

IC 4-33-14-3

"Minority business enterprise" defined

Sec. 3. As used in this chapter, "minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.195-2001, SEC.10.

IC 4-33-14-4

"Women's business enterprise" defined

Sec. 4. As used in this chapter, "women's business enterprise" has the meaning set forth in IC 4-13-16.5-1.3.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.195-2001, SEC.11.

IC 4-33-14-5

Goods and services; contracts awarded to minority and women's business enterprises

Sec. 5. (a) As used in this section, "goods and services" does not include the following:

(1) Utilities and taxes.

(2) Financing costs, mortgages, loans, or other debt.

(3) Medical insurance.

(4) Fees and payments to a parent or an affiliated company of an operating agent or the person holding an owner's license, other than fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for the use or benefit of the operating agent or the person holding the owner's license.

(5) Rents paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.

(b) Notwithstanding any law or rule to the contrary, the commission shall establish annual goals for an operating agent or a person issued an owner's license:

(1) for the use of minority and women's business enterprises; and

(2) derived from a statistical analysis of utilization study of licensee and operating agent contracts for goods and services that are required to be updated every five (5) years.

(c) An operating agent or a person holding an owner's license shall submit annually to the commission a report that includes the following information:

(1) The total dollar value of contracts awarded for goods or services and the percentage awarded to minority and women's business enterprises.

(2) The following information relating to each minority business enterprise or women's business enterprise awarded a contract for goods or services:

(A) The name.

(B) The address.

(C) The total dollar amount of the contract.

A record containing information described in this subsection is not exempt from the disclosure requirements of IC 5-14-3-3 under IC 5-14-3-4.

(d) An operating agent or a person holding an owner's license shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the commission that an effort was made to meet the requirements.

(e) An operating agent or a person holding an owner's license may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the licensee or operating agent shall provide the commission with proof of the amount of the set aside.

As added by P.L.277-1993(ss), SEC.124. Amended by P.L.195-2001, SEC.12; P.L.92-2003, SEC.56; P.L.84-2004, SEC.6.

IC 4-33-14-6
Enforcement

Sec. 6. If the commission determines that the provisions of this chapter relating to expenditures and assignments to minority and women's business enterprises have not been met, the commission may suspend, limit, or revoke the owner's license or operating agent's gaming operations, or may fine or impose appropriate conditions on the licensee or operating agent to ensure that the goals for expenditures and assignments to minority and women's business

enterprises are met. However, if a determination is made that a person holding an owner's license or an operating agent has failed to demonstrate compliance with this chapter, the person has ninety (90) days from the date of the determination of noncompliance to comply.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.57.

IC 4-33-14-7
Certification standards

Sec. 7. The commission shall use the certifications made under IC 4-13-16.5 for minority and women's business enterprises that do business with riverboat operations on contracts for goods and services or contracts for business.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.84-2004, SEC.7.

IC 4-33-14-8
List of certified enterprises

Sec. 8. The commission shall supply persons holding owner's licenses and the operating agent with a list of the certified minority and women's business enterprises.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.92-2003, SEC.58; P.L.84-2004, SEC.8.

IC 4-33-14-9
City residents; preferential hiring

Sec. 9. (a) This section applies to a person holding an owner's licenses for riverboats operated from a city described under IC 4-33-6-1(a)(1) through IC 4-33-6-1(a)(3).

(b) The commission shall require persons holding owner's licenses to adopt policies concerning the preferential hiring of residents of the city in which the riverboat is located for riverboat jobs.
As added by P.L.277-1993(ss), SEC.124. Amended by P.L.255-2015, SEC.20.

IC 4-33-14-10
Rules

Sec. 10. The commission shall adopt other rules necessary to interpret and implement this chapter.
As added by P.L.277-1993(ss), SEC.124.

IC 4-33-15
Repealed
(Repealed by P.L.92-2003, SEC.63.)

IC 4-33-18

Chapter 18. Indiana Department of Gaming Research

IC 4-33-18-1

"Department" defined

Sec. 1. As used in this chapter, "department" means the Indiana department of gaming research.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-2

Department established

Sec. 2. The Indiana department of gaming research is established as an agency of the state of Indiana for the purpose of enhancing the gaming industry in Indiana through research and analysis.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-3

Appointment of executive director

Sec. 3. The department is under the control of the governor, who shall appoint or employ the executive director and other persons that the governor considers necessary.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-4

Employment of staff

Sec. 4. (a) The executive director, with the governor's approval, may employ individuals as are necessary to perform the various functions of the department.

(b) The executive director and the budget agency shall set the compensation for the department's employees.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-5

Duties; data analysis and research

Sec. 5. The department shall research and analyze data and public policy issues relating to all aspects of gaming in Indiana for the enhancement of:

(1) the Indiana lottery under IC 4-30;
(2) pari-mutuel horse racing under IC 4-31;
(3) charity gaming under IC 4-32.2; and
(4) riverboat casino gambling under IC 4-33.

As added by P.L.192-2002(ss), SEC.27. Amended by P.L.91-2006, SEC.5.

IC 4-33-18-6

Duties; studies and findings

Sec. 6. The department shall study and make findings and recommendations on the following:

(1) Alternative methods of taxing gaming entities, including taxes based upon the size of a riverboat or the number of gaming positions on board a riverboat.
(2) The impact of flexible boarding on the gaming industry.
(3) The impact of breed development programs and sire stakes racing in Indiana.
(4) Any other issue considered appropriate by the department or suggested by:
(A) the Indiana lottery commission;
(B) the Indiana horse racing commission;
(C) the department of state revenue; or
(D) the Indiana gaming commission.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-7
Distribution of findings

Sec. 7. The executive director shall submit the department's findings and recommendations to the governor and the legislative council.

As added by P.L.192-2002(ss), SEC.27.

IC 4-33-18-8
Annual fees

Sec. 8. The department shall impose an annual fee of twenty-five thousand dollars ($25,000) upon the following:
(1) Each licensed owner or operating agent operating a riverboat in Indiana.
(2) Each permit holder (as defined in IC 4-31-2-14) operating a live pari-mutuel horse racing facility in Indiana.

As added by P.L.192-2002(ss), SEC.27. Amended by P.L.92-2003, SEC.59.

IC 4-33-18-9
Limitation of powers

Sec. 9. (a) Nothing in this chapter may be construed to limit the powers or responsibilities of:
(1) the state lottery commission under IC 4-30;
(2) the Indiana horse racing commission under IC 4-31; or
(3) the Indiana gaming commission under IC 4-32.2, IC 4-33, or IC 4-35.

(b) The department may not exercise any administrative or regulatory powers with respect to:
(1) the Indiana lottery under IC 4-30;
(2) pari-mutuel horse racing under IC 4-31;
(3) charity gaming under IC 4-32.2;
(4) riverboat casino gambling under IC 4-33; or
(5) gambling games conducted at a racetrack (as defined in IC 4-35-2-9) under IC 4-35.

As added by P.L.192-2002(ss), SEC.27. As amended by P.L.91-2006, SEC.6; P.L.233-2007, SEC.20.

IC 4-33-19

Chapter 19. License Control Division

IC 4-33-19-1

"Division"

Sec. 1. As used in this chapter, "division" means the license control division established by section 3 of this chapter.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-2

"Licensed entity"

Sec. 2. As used in this chapter, "licensed entity" means a person holding:

(1) a charity gaming license issued under IC 4-32.2;
(2) a retail merchant's certificate issued under IC 6-2.5-8;
(3) a tobacco sales certificate issued under IC 7.1-3-18.5; or
(4) an alcoholic beverage permit issued under IC 7.1-3.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-3

License control division established

Sec. 3. The license control division is established to conduct administrative enforcement actions against licensed entities engaged in unlawful gambling.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-4

Authorized personnel

Sec. 4. The commission shall hire an administrative law judge, attorneys, and other personnel necessary to carry out the division's duties under this chapter.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-5

Division duties under charity gaming laws

Sec. 5. The division shall carry out the commission's duties under IC 4-32.2-8 and IC 4-32.2-9 with respect to any person that is:

(1) licensed under IC 4-32.2; and
(2) suspected of violating IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-6

Duty to conduct license revocation proceedings

Sec. 6. The division shall, on behalf of the department of state revenue or the alcohol and tobacco commission, conduct a license revocation action against a licensed entity for any revocation action authorized by any of the following statutes:

(1) IC 6-2.5-8-7(g).
(2) IC 7.1-3-18.5.
(3) IC 7.1-3-23-2(b).
(4) IC 7.1-3-23-5 with respect to a violation of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

As added by P.L.227-2007, SEC.47. Amended by P.L.94-2008, SEC.1.

IC 4-33-19-7
Memorandum of understanding required

Sec. 7. (a) A memorandum of understanding between the commission and:

(1) the department of state revenue in the case of an action involving a person holding a retail merchant's certificate; or
(2) the alcohol and tobacco commission in the case of an action involving a person holding a tobacco sales certificate or an alcoholic beverage permit;

is required to authorize the division's actions under section 6 of this chapter.

(b) The agencies described in subsection (a) shall enter into the memorandum of understanding required by this section before January 1, 2008.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-8
Memorandum of understanding terms

Sec. 8. (a) A memorandum of understanding required by section 7 of this chapter must describe the responsibilities of each participating agency in coordinating the agencies' administrative enforcement actions with respect to suspected violations of IC 35-45-5-3, IC 35-45-5-3.5, and IC 35-45-5-4.

(b) Each party to the memorandum of understanding required by section 7 of this chapter must agree to permit the license revocation actions subject to this chapter to be heard by an administrative law judge employed by the division.

(c) A memorandum of understanding required by section 7 of this chapter must set forth the administrative procedures applicable to each revocation action conducted under this chapter.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-9
Information concerning suspected criminal activity

Sec. 9. The division may refer any information concerning suspected criminal activity discovered in carrying out the division's duties under this chapter to the prosecuting attorney of the county in which the suspected criminal activity occurred.

As added by P.L.227-2007, SEC.47.

IC 4-33-19-10

Gaming control officers assigned to assist the division

Sec. 10. The commission shall assign gaming control officers employed under IC 4-33-20 to assist the division in carrying out the duties of this chapter.

As added by P.L.227-2007, SEC.47.

IC 4-33-20
Chapter 20. Gaming Control Division

IC 4-33-20-1
"Gaming control officer"
Sec. 1. As used in this chapter, "gaming control officer" refers to an officer employee of the division.
As added by P.L.227-2007, SEC.48.

IC 4-33-20-2
"Division"
Sec. 2. As used in this chapter, "division" refers to the gaming control division established under section 3 of this chapter.
As added by P.L.227-2007, SEC.48.

IC 4-33-20-3
Duty to establish gaming control division
Sec. 3. The commission shall establish a law enforcement division known as the gaming control division.
As added by P.L.227-2007, SEC.48.

IC 4-33-20-4
Organization of gaming control division
Sec. 4. The gaming control division shall be organized in conformity with rules adopted by the commission.
As added by P.L.227-2007, SEC.48.

IC 4-33-20-5
Funding for gaming control division
Sec. 5. The commission shall:
(1) pay all personnel costs incurred by the division; and
(2) purchase all property, supplies, and equipment for the division;
from money deposited in the charity gaming enforcement fund established by IC 4-32.2-7-3.
As added by P.L.227-2007, SEC.48.

IC 4-33-20-6
Staffing level
Sec. 6. The commission shall initially staff the division with sixteen (16) gaming control officers. Subject to the availability of funds in the charity gaming enforcement fund, the commission may increase the number of gaming control officers employed by the division at its discretion.
As added by P.L.227-2007, SEC.48.

IC 4-33-20-7
Uniforms and equipment

Sec. 7. (a) The commission shall provide each gaming control officer the uniforms and equipment necessary to the performance of the gaming control officer's duties. All uniforms and equipment remain the property of the state.

(b) The executive director shall charge against a gaming control officer the value of property lost or destroyed through carelessness or neglect of the employee. The value of the equipment shall be deducted from the pay of the gaming control officer.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-8

Salary matrix required

Sec. 8. The commission shall create a matrix for salary ranges for gaming control officers, which must be reviewed and approved by the budget agency before implementation.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-9

Police powers of gaming control officers

Sec. 9. A gaming control officer:

(1) is a law enforcement officer under IC 9-13-2-92 and IC 35-31.5-2-185 and has the power to enforce Indiana laws and without warrant to arrest for the violation of any of those laws when committed in the officer's presence;

(2) is a police officer under IC 9-13-2-127;

(3) has the power of law enforcement officers to arrest under IC 35-33-1-1; and

(4) has the power to enforce Indiana laws and may exercise all powers granted by law to state police officers, sheriffs, and members of police departments.

As added by P.L.227-2007, SEC.48. Amended by P.L.114-2012, SEC.10.

IC 4-33-20-10

Duties of gaming control officers

Sec. 10. A gaming control officer shall investigate a suspected violation of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4 by a person holding any of the following:

(1) A retail merchant's certificate issued under IC 6-2.5-8.

(2) A tobacco sales certificate issued under IC 7.1-3-18.5.

(3) An alcoholic beverage permit issued under IC 7.1-3.

As added by P.L.227-2007, SEC.48.

IC 4-33-20-11

Duty of uniformed gaming control officers to carry arms

Sec. 11. (a) A uniformed gaming control officer shall carry arms in the performance of the officer's duty.

(b) A nonuniformed gaming control officer may carry arms in the

performance of the officer's duty.
As added by P.L.227-2007, SEC.48.

IC 4-33-20-12
Bond

Sec. 12. Each gaming control officer shall execute a surety bond in the amount of one thousand dollars ($1,000), with surety approved by the commission, and an oath of office, both of which must be filed with the executive director.
As added by P.L.227-2007, SEC.48.

IC 4-33-20-13
Compensation for injuries sustained in the performance of gaming control officer's duties

Sec. 13. (a) The injury to, injury to the health of, or death of a gaming control officer is compensable under the appropriate provisions of IC 22-3-2 through IC 22-3-7 if the injury, injury to the health of, or death arises out of and in the course of the performance of the officer's duties as a gaming control officer.

(b) For purposes of subsection (a) and IC 22-3-2 through IC 22-3-7, a gaming control officer is conclusively presumed to have accepted the compensation provisions included in the parts of the Indiana Code referred to in this subsection.
As added by P.L.227-2007, SEC.48.

IC 4-33-20-14
Right to retain service weapon upon retirement with at least 20 years of service

Sec. 14. An eligible gaming control officer who retires with at least twenty (20) years of service as a gaming control officer:

(1) may retain the officer's service weapon;

(2) may receive, in recognition of the officer's service to the commission and to the public, a badge that indicates that the officer is retired; and

(3) shall be issued by the commission an identification card stating the officer's name and rank, signifying that the officer is retired, and noting the officer's authority to retain the service weapon.

As added by P.L.227-2007, SEC.48.

IC 4-33-21

Chapter 21. Riverboat Operations Temporarily Conducted by a Trustee

IC 4-33-21-1

Application of chapter

Sec. 1. This chapter applies only to a trustee acting under the authority of:

(1) a resolution adopted by the commission authorizing the trustee to conduct gambling operations under this chapter; and

(2) either of the following:

(A) A written power of attorney approved by the commission under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16.

(B) An appointment by the commission under IC 4-33-4-25.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-2

Exercise of powers delegated by a power of attorney prohibited unless authorized by the commission

Sec. 2. A person may not exercise any powers delegated by a power of attorney described by section 1(2) of this chapter unless the commission adopts a resolution under section 3 of this chapter.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-3

Resolution authorizing a trustee to conduct gambling operations

Sec. 3. The commission may adopt a resolution authorizing a trustee to temporarily conduct gambling operations on a riverboat if any of the following occurs with respect to that particular riverboat:

(1) The commission revokes the owner's license or operating agent contract.

(2) The commission declines to renew the owner's license or operating agent contract.

(3) A proposed transferee is denied an owner's license under this article when attempting to purchase the riverboat and obtain an owner's license, but the person who attempted to sell the riverboat is unable or unwilling to retain ownership or control of the riverboat.

(4) A proposed transferee is denied an operating agent contract under this article when attempting to purchase the riverboat subject to IC 4-33-6.5, but the person who attempted to sell the riverboat is unable or unwilling to retain ownership or control of the riverboat.

(5) A licensed owner or an operating agent agrees in writing to relinquish control of a riverboat to a trustee as approved by the commission.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-4
Effective date of power of attorney

Sec. 4. A power of attorney designating a trustee to conduct gambling operations on a riverboat is effective on the date designated by the commission in a resolution authorizing the trustee to commence gambling operations. The power of attorney remains in effect until the date the trusteeship established by the operation of the power of attorney is terminated by resolution of the commission.
As added by P.L.142-2009, SEC.16.

IC 4-33-21-5
General power of attorney law applies

Sec. 5. (a) IC 30-5 applies to a trustee exercising powers under this chapter.

(b) For purposes of IC 30-5, a trustee is an attorney in fact.
As added by P.L.142-2009, SEC.16.

IC 4-33-21-6
Trustee requirements

Sec. 6. A trustee who conducts gambling operations on a riverboat:

(1) must:
(A) be eligible to receive an occupational license under IC 4-33-8; and
(B) satisfy the requirements of any rule adopted by the commission under IC 4-33-8-4;

(2) must conduct the gambling operations within the same standards for character, reputation, and financial integrity that are imposed upon a licensed owner or operating agent by this article;

(3) must submit to the commission any information requested by the commission; and

(4) is charged with all the duties imposed upon a licensed owner or operating agent under this article.
As added by P.L.142-2009, SEC.16.

IC 4-33-21-7
Trustee's duties

Sec. 7. (a) A trustee acting under the authority of this chapter must fulfill the trustee's duties as a fiduciary for the owner of the riverboat. In addition, the trustee shall consider the effect of the trustee's actions upon:

(1) the amount of taxes remitted by the trustee under IC 4-33-12 and IC 4-33-13;

(2) the city and county in which the riverboat is located;

(3) the riverboat's employees; and

(4) the creditors of the owner of the riverboat.

(b) In balancing the interests described in subsection (a), a trustee

shall conduct gambling operations on the riverboat in a manner that enhances the credibility and integrity of riverboat gambling in Indiana while minimizing disruptions to tax revenues, incentive payments, employment, and credit obligations.
As added by P.L.142-2009, SEC.16. Amended by P.L.229-2013, SEC.23.

IC 4-33-21-8
Riverboat owner's duty to sell a riverboat operated by a trustee

Sec. 8. (a) A person who directly or indirectly owns a riverboat that is the subject of a resolution described in section 3 of this chapter has one hundred eighty (180) days after the date on which the commission adopts the resolution to sell the riverboat (and its related properties described in section 9 of this chapter) to another person who:

(1) satisfies the requirements of this article for obtaining an owner's license; and
(2) is approved by the commission.

(b) If the person is unable to sell the riverboat (and its related properties described in section 9 of this chapter) in the time required by subsection (a), the trustee may take any action necessary to sell the properties to another person who:

(1) satisfies the requirements of this article for obtaining an owner's license; and
(2) is approved by the commission.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-9
Operation of related properties

Sec. 9. A trustee acting under the authority of this chapter may conduct the operations of any hotel, restaurant, golf course, or other amenity related to the riverboat operation.
As added by P.L.142-2009, SEC.16.

IC 4-33-21-10
Trustee compensation

Sec. 10. A trustee is entitled to reasonable compensation for carrying out the duties imposed upon the trustee under this chapter. The trustee's compensation must be:

(1) approved by the commission; and
(2) paid by the owner of the riverboat that is the subject of a resolution described in section 3 of this chapter.

As added by P.L.142-2009, SEC.16.

IC 4-33-21-11
Liability insurance

Sec. 11. A licensed owner or an operating agent shall purchase liability insurance, in an amount determined by the commission, to

protect the trustee appointed to conduct gambling operations on behalf of the licensed owner or operating agent from liability for any act or omission by the trustee occurring within the scope of the trustee's duties. The insurance coverage required by this section must apply to the entire period of the trusteeship.
As added by P.L.142-2009, SEC.16.

IC 4-33-21-12
Power to revoke, modify, or amend a resolution authorizing a trustee to conduct gambling operations

Sec. 12. (a) Except as provided in subsection (b), the commission may after a public meeting revoke, modify, or amend a resolution authorizing a trustee to conduct gambling operations under this chapter upon a showing of good cause. A public meeting held under this subsection may be conducted by the commission or the executive director.

(b) In an emergency that requires immediate action to protect the credibility and integrity of riverboat gambling in Indiana, the commission may, without holding a hearing, take the following actions concerning a trustee whose actions have created the emergency:

(1) Revoke the resolution authorizing the trustee to conduct gambling operations under this chapter.

(2) Remove the trustee from the control of the riverboat subject to the revoked resolution.

As added by P.L.142-2009, SEC.16.

IC 4-33-22

Chapter 22. Boxing and Mixed Martial Arts

IC 4-33-22-1

"Boxing"

Sec. 1. As used in this chapter, "boxing" means the art of attack and defense with the fists, or feet in the case of kickboxing, practiced as a sport.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-2

"Mixed martial arts"

Sec. 2. As used in this chapter, "mixed martial arts" means the unarmed physical confrontation of persons involving the use, subject to limitations as established by the commission, of a combination of techniques from different disciplines of the martial arts, including grappling, kicking, and striking.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-3

"Professional boxer"

Sec. 3. As used in this chapter, "professional boxer" means a person who competes for money, teaches, pursues, or assists in the practice of boxing as a means to obtain a livelihood or pecuniary gain.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-4

"Matchmaker"

Sec. 4. As used in this chapter, "matchmaker" means a person who, under contract, agreement, or other arrangement with a boxer, acts as a booker, an agent, a booking agent, or a representative to secure:

(1) an engagement; or

(2) a contract;

for the boxer.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-5

"Sparring"

Sec. 5. As used in this chapter, "sparring" means combat in which participants intend to and actually:

(1) inflict kicks, punches, and blows; and

(2) apply other techniques;

that may reasonably be expected to inflict injury on an opponent in a contest, exhibition, or performance.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-6
"Promoter"

Sec. 6. (a) As used in this chapter, and except as provided in section 18 of this chapter, "promoter" means the person primarily responsible for organizing, promoting, and producing a professional boxing or sparring, professional unarmed combat, or professional wrestling match, contest, or exhibition.

(b) The term does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing or sparring, professional unarmed combat, or professional wrestling match, contest, or exhibition, unless:

(1) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match, contest, or exhibition; and

(2) there is no other person primarily responsible for organizing, promoting, and producing the match, contest, or exhibition.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-7
"Unarmed combat"

Sec. 7. As used in this chapter, "unarmed combat" means the practice, or any related practice, of mixed martial arts or martial arts.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-8
"Unarmed competitor"

Sec. 8. As used in this chapter, "unarmed competitor" means a person who engages in an unarmed combat match, contest, exhibition, or performance.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-9
"Fund"

Sec. 9. (a) As used in this chapter, "fund" refers to the athletic fund created by this section.

(b) The athletic fund is created for purposes of administering this chapter. The fund shall be administered by the Indiana gaming commission.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the state general fund.

(e) The fund consists of:

(1) appropriations made by the general assembly;

(2) fees collected under this chapter; and

(3) penalties collected under this chapter.

(f) An amount necessary to administer this chapter is continually appropriated from the fund to the Indiana gaming commission.

(g) If the balance in the fund at the end of a particular fiscal year exceeds one hundred thousand dollars ($100,000), the amount that exceeds one hundred thousand dollars ($100,000) reverts to the state general fund.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-10

Commission duties

Sec. 10. The commission shall ensure the:

(1) safety of participants in;

(2) fairness of; and

(3) integrity of;

sparring, boxing, and unarmed combat matches or exhibitions in Indiana.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-11

Appointment of personnel; powers of executive director; issuance of legal documents

Sec. 11. (a) The executive director of the commission may appoint and remove deputies for use by the commission. The commission shall, when the commission considers it advisable, direct a deputy to be present at any place where sparring, boxing, or unarmed combat matches or exhibitions are to be held under this chapter. The deputies shall ascertain the exact conditions surrounding the match or exhibition and make a written report of the conditions in the manner and form prescribed by the commission.

(b) The executive director of the commission may appoint and remove a secretary for the commission, who shall:

(1) keep a full and true record of all the commission's proceedings;

(2) preserve at its general office all the commission's books, documents, and papers; and

(3) prepare for service notices and other papers as may be required by the commission.

The executive director of the commission may employ only such clerical employees as are actually necessary and fix their salaries as provided by law.

(c) The executive director of the commission or a deputy appointed under subsection (a) may execute orders, subpoenas, continuances, and other legal documents on behalf of the commission.

(d) All expenses incurred in the administration of this chapter shall be paid from the fund upon appropriation being made for the expenses.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-12
Adoption of rules

Sec. 12. (a) In accordance with IC 35-45-18-1(b), the commission may adopt rules under IC 4-22-2 to regulate the conduct of the following:

(1) Mixed martial arts.
(2) Martial arts, including the following:
(A) Jujutsu.
(B) Karate.
(C) Kickboxing.
(D) Kung fu.
(E) Tae kwon do.
(F) Judo.
(G) Sambo.
(H) Pankration.
(I) Shootwrestling.
(3) Professional wrestling.
(4) Boxing.
(5) Sparring.

(b) The commission may adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(1) the need for a rule is so immediate and substantial that the ordinary rulemaking procedures under IC 4-22-2 are inadequate to address the need; and
(2) an emergency rule is likely to address the need.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-13
Authority of commission over matches and exhibitions; license and permit requirement

Sec. 13. (a) Boxing, sparring, and unarmed combat matches or exhibitions, whether or not for prizes or purses, may be held in Indiana.

(b) The commission:

(1) has the sole direction, management, control, and jurisdiction over all boxing, sparring, and unarmed combat matches or exhibitions to be conducted, held, or given in Indiana; and
(2) may issue licenses for those matches or exhibitions.

(c) A boxing, sparring, or unarmed combat match or an exhibition that is:

(1) conducted by any school, college, or university within Indiana; or
(2) sanctioned by United States Amateur Boxing, Inc.;

is not subject to the provisions of this chapter requiring a license. The term "school, college, or university" does not include a school or other institution for the principal purpose of furnishing instruction

in boxing, or other athletics.

(d) Except as provided under section 18 of this chapter, no boxing, sparring, or unarmed combat match or exhibition, except as provided in this chapter, may be held or conducted within Indiana except under a license and permit issued by the commission in accordance with this chapter and the rules adopted under this chapter.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-14

Annual licenses; event permits; penalties

Sec. 14. (a) The commission may:

(1) cause to be issued an annual license in writing for holding boxing, sparring, or unarmed combat matches or exhibitions to any person who is qualified under this chapter; and

(2) adopt rules to establish the qualifications of the applicants.

(b) In addition to a general license, a person must, before conducting any particular boxing, sparring, or unarmed combat match or exhibition where one (1) or more contests are to be held, obtain a permit from the commission.

(c) Annual licenses may be revoked or suspended by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who knowingly, recklessly, or intentionally conducts a boxing, sparring, or unarmed combat match or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-15

Applications

Sec. 15. (a) Applications for licenses or permits to conduct or participate in, either directly or indirectly, a boxing, sparring, or unarmed combat match or exhibition must be:

(1) made in writing upon forms prescribed by the commission and shall be addressed to and filed with the gaming commission; and

(2) verified by the applicant, if an individual, or by an officer of the club, corporation, or association in whose behalf the application is made.

(b) The application for a permit to conduct a particular boxing, sparring, or unarmed combat match or exhibition must, among other things, state:

(1) the time and exact place at which the boxing, sparring, or unarmed combat match or exhibition is proposed to be held;

(2) the names of the contestants who will participate and their seconds;

(3) the seating capacity of the buildings or the hall in which

such exhibition is proposed to be held;
(4) the proposed admission charge;
(5) the amount of the compensation percentage of gate receipts that is proposed to be paid to each of the participants;
(6) the name and address of the applicant;
(7) the names and addresses of all the officers if the applicant is a club, a corporation, or an association; and
(8) the record of each contestant from a source approved by the commission.

(c) The commission shall keep records of the names and addresses of all persons receiving permits and licenses.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-16

Submission of fingerprints and financial information; criminal history checks

Sec. 16. (a) As used in this section, "applicant" means a person applying for a promoter's license or permit.

(b) The commission shall require an applicant to provide:
(1) information, including fingerprints, that is needed to facilitate access to criminal history information; and
(2) financial information, to the extent allowed by law.

(c) The state police department shall:
(1) provide assistance in obtaining criminal history information of an applicant; and
(2) forward fingerprints submitted by an applicant to the Federal Bureau of Investigation for the release of an applicant's criminal history information for the purposes of licensure under this chapter.

(d) The applicant shall pay any fees associated with the release of the criminal history information of the applicant.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-17

Licensing of promoters, participants, and other persons

Sec. 17. All promoters, either corporations or natural persons, physicians, referees, judges, timekeepers, matchmakers, professional boxers, unarmed competitors, managers of professional boxers or unarmed competitors, trainers and seconds, shall be licensed as provided in this chapter, and such a corporation or person may not be permitted to participate, either directly or indirectly, in any such boxing, sparring, or unarmed combat match or exhibition, or the holding thereof, unless the corporation and all such persons have first procured licenses. A contest conforming to the rules and requirements of this chapter is not considered to be a prizefight.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-18

Amateur mixed martial arts; requirements

Sec. 18. (a) As used in this section, "amateur mixed martial arts" refers to mixed martial arts that is:

(1) performed for training purposes in a school or other educational facility for no:

(A) purse; or

(B) prize with a value greater than one hundred dollars ($100); or

(2) performed in a match, contest, exhibition, or performance for no:

(A) purse; or

(B) prize with a value greater than one hundred dollars ($100).

(b) As used in this section, "promoter" means the person primarily responsible for organizing, promoting, and producing an amateur mixed martial arts match or exhibition. The term does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring an amateur mixed martial arts match unless:

(1) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match or exhibition; and

(2) there is no other person primarily responsible for organizing, promoting, and producing the match or exhibition.

(c) For amateur mixed martial arts matches or exhibitions, only:

(1) a body sanctioning the match or exhibition; and

(2) the promoter of the match or exhibition;

must procure licenses under this chapter. The commission shall develop procedures and standards governing application for licensure and license renewal of bodies sanctioning a match or exhibition and promoters under this section. The commission shall develop procedures for inspection and enforcement with respect to licenses issued under this subsection.

(d) The commission shall adopt rules under IC 4-22-2 to license sanctioning bodies and promoters required to be licensed under this chapter.

(e) The commission shall adopt rules under IC 4-22-2 that apply to each match or exhibition covered under this section and that determine requirements for the following:

(1) The presence of a medical doctor licensed under IC 25-22.5.

(2) The presence of an ambulance.

(3) Requirements for medical and life insurance to be carried for each participant.

(4) The need for medical tests, including:

(A) tests for HIV;

(B) pregnancy tests for women participants; and

(C) screening tests for illegal drugs.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-19
Eligibility for licenses and permits; nontransferability of licenses and permits

Sec. 19. A permit or license may not be issued to any person who has not complied with this chapter or who, before the applications, failed to obey a rule or order of the commission. In the case of a club, corporation, or association, a license or permit may not be issued to it if, before its application, any of its officers have violated this chapter or any rule or order of the commission. A promoter, physician, referee, judge, timekeeper, matchmaker, professional boxer, unarmed competitor, manager of a professional boxer or unarmed competitor, trainer, or second may not be licensed if the person holds a federal gambling stamp. A license or permit when issued must recite that the person to whom it is granted has complied with this chapter and that a license or permit is not transferable.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-20
Authority to limit number of matches or exhibitions

Sec. 20. The commission has full power and authority to limit the number of boxing, sparring, or unarmed combat matches or exhibitions to be held or given by any person, club, organization, or corporation in any city or town in Indiana.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-21
Requirement to comply with terms of application

Sec. 21. (a) A person to whom a permit is issued may not:

(1) hold the match or exhibition at any other time or place;

(2) permit any other contestant to participate in the match or exhibition;

(3) charge a greater rate or rates of admission; or

(4) pay a greater fee, compensation, or percentage to contestants than that specified in the application filed before the issuance of the permit.

(b) Notwithstanding subsection (a), in case of emergency the commission may, upon application, allow a person to hold a boxing, sparring, or unarmed combat match or exhibition wherever and whenever it considers fit within the city in which the person is located and substitute contestants or seconds as circumstances may require.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-22
Denial of license or permit; violation of laws or rules; hearing

Sec. 22. In case the commission refuses to grant a license or permit to any applicant, the applicant, at the applicant's option, is entitled to a hearing in the manner provided by this chapter, but if the

commission, before the refusal, after a hearing, makes a valid finding that the applicant has been guilty of disobeying any rule or order of the commission, or of any provision of this chapter, the applicant is not entitled to a license or permit; and in case any boxing, sparring, or unarmed combat match, or exhibition has been conducted by any person, club, corporation, or association under this chapter, the commission on its own motion, or on the petition of any resident of Indiana, may conduct a hearing to determine whether such person, club, corporation, or association has disobeyed any rule or order of the commission or has been guilty of any violation of this chapter.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-23
Procedures for hearings

Sec. 23. Any hearing by the commission must be in accordance with IC 4-21.5-3.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-24
Matches and exhibitions; site requirements

Sec. 24. All buildings or structures used, or in any way to be used for the purpose of holding or giving therein boxing, sparring, or unarmed combat matches or exhibitions, must be properly ventilated and provided with fire exits and fire escapes, if necessary, and in all manner must conform to the laws, ordinances, and regulations pertaining to buildings in the city or town where situated.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-25
Matches and exhibitions; age limits; gaming and other restrictions; penalties

Sec. 25. (a) A person shall not:

(1) permit any person less than eighteen (18) years of age to participate in any boxing or sparring match or exhibition;

(2) permit any gambling on the result of, or on any contingency in connection with, any boxing or sparring match or exhibition conducted by it; or

(3) participate in or permit any sham or collusive boxing or sparring match or exhibition.

(b) A person who violates this section, in addition to any criminal penalty:

(1) shall have the person's license or permit revoked, suspended, or restricted by the commission;

(2) shall be placed on probation by the commission;

(3) shall pay a civil penalty imposed by the commission not to exceed one thousand dollars ($1,000);

(4) is ineligible for a license or permit at any future time; or

(5) is subject to the imposition by the commission of any

combination of the penalties set forth in subdivisions (1) through (4).

As added by P.L.113-2010, SEC.11.

IC 4-33-22-26

Participation in violation; penalties

Sec. 26. (a) A person shall not:

(1) participate in any sham or collusive boxing or sparring match or exhibition where the match or exhibition is conducted by a licensed person; or

(2) being less than eighteen (18) years of age, participate in any boxing or sparring match or exhibition.

(b) For a first offense, in addition to the fine, a person who is a licensed contestant in Indiana and violates this section:

(1) shall have the person's license or permit revoked, suspended, or restricted by the commission;

(2) shall be placed on probation by the commission;

(3) shall pay a civil penalty imposed by the commission not to exceed one thousand dollars ($1,000);

(4) is ineligible for a license or permit at any future time; or

(5) is subject to the imposition by the commission of any combination of the penalties set forth in subdivisions (1) through (4).

For a second offense, a licensed contestant who violates this section may be forever barred from receiving any license or permit or participating in any boxing or sparring match or exhibition in Indiana.

(c) A person who gambles on the result of, or on any contingency in connection with, any boxing or sparring match or exhibition and is convicted under IC 35-45-5 shall, in addition to any criminal penalty imposed, be penalized as provided in subsection (b).

As added by P.L.113-2010, SEC.11.

IC 4-33-22-27

Contestants; examinations; limitations on length of match or exhibition; required personnel at matches or exhibitions; penalties

Sec. 27. (a) Each contestant for boxing, sparring, or unarmed combat shall be examined within two (2) hours before entering the ring by a competent physician licensed under IC 25-22.5 appointed by the commission. The physician shall certify in writing that each contestant is physically fit to engage in the contest if the physician so determines, and the physician's certificate shall be delivered to the commission before the contest. The physician shall mail the report of examination to the commission within twenty-four (24) hours after the contest. Blank forms of physicians' reports shall be furnished to physicians by the commission, and questions on blank forms must be answered in full. No match, contest, or exhibition shall be held unless a licensed physician is in attendance. Any boxer or unarmed

competitor who, in the opinion of the physician, is physically unfit to enter the match or exhibition shall be excused by the commission or its deputy. During the conduct of the match or exhibition, the physician may observe the physical condition of the boxers or unarmed competitors and if, in the opinion of the physician, any contestant in any match or exhibition is physically unfit to continue, the physician shall advise the referee.

(b) A boxing or sparring match or exhibition may not last more than twelve (12) rounds, and each round may not last more than three (3) minutes. There must not be less than a one (1) minute intermission between each round. The commission may for any bout or any class of contestants limit the number of rounds of the bout within the maximum of twelve (12) rounds.

(c) Any contestant in a boxing or sparring match or an exhibition must wear standard gloves, weighing at least eight (8) ounces, and the gloves worn by each of the contestants must be equal in weight.

(d) At each boxing, sparring, or unarmed combat match or exhibition there must be in attendance, at the expense of the person conducting the match or exhibition, a licensed referee who shall direct and control the match or exhibition. Before starting each contest, the referee shall ascertain from each contestant the name of the contestant's chief second, and shall hold the chief second responsible for the conduct of the chief second's assistant seconds during the contest. The referee may declare forfeited a part or all of any remuneration or purse belonging to the contestants, or one (1) of them, if, in the referee's judgment, the contestant or contestants are not honestly competing. Any forfeited amount shall be paid into the fund.

(e) There must also be in attendance at the expense of the person conducting the match or exhibition three (3) licensed judges who shall, at the termination of each boxing, sparring, or unarmed combat match or exhibition render their decisions as to the winner.

(f) A person who holds any boxing, sparring, or unarmed combat match or exhibition in violation of this section commits a Class A infraction.

(g) A physician who knowingly certifies falsely to the physical condition of any contestant commits a Class B infraction.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-28

Contestants; biennial licenses; fees

Sec. 28. (a) A contestant may not participate in any boxing, sparring, or unarmed combat match or exhibition unless registered and licensed with the commission, which license must be renewed biennially. The license fee and the renewal fee may not be less than five dollars ($5), paid at the time of the application for the license or renewal.

(b) Any person who desires to be registered and licensed as a

contestant shall file an application in writing with the executive director of the commission stating:

(1) the correct name of the applicant;

(2) the date and place of the applicant's birth;

(3) the place of the applicant's residence; and

(4) the applicant's employment, business, or occupation, if any.

The application must be verified under oath of the applicant. An application for a renewal license must be in similar form.

(c) No assumed or ring names shall be used in any application nor in any advertisement of any contest, unless the ring or assumed name has been registered with the commission with the correct name of the applicant.

(d) Each application for license by a contestant or for a license renewal must be accompanied by the certificate of a physician residing within Indiana who is licensed as provided in this article and has practiced in Indiana for not less than five (5) years, certifying that the physician has made a thorough physical examination of the applicant, and that the applicant is physically fit and qualified to participate in boxing, sparring, or unarmed combat matches or exhibitions.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-29

Referees and judges; biennial licenses

Sec. 29. (a) The commission shall, upon proper application, grant licenses to competent referees and judges whose qualifications may be tested by the commission, and the commission may revoke any such license granted to any referee or judge upon cause as the commission finds sufficient. A referee's or judge's license must be renewed biennially. No person shall be permitted to act as referee or judge in Indiana without a license.

(b) The application for license as referee, or renewal thereof, shall be accompanied by a fee established by the commission.

(c) The commission shall appoint, from among licensed officials, all officials for all contests held under this chapter.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-30

Ineligibility for and revocation of license; conviction of offense related to controlled substances

Sec. 30. The commission may declare any person who has been convicted of an offense under IC 35-48 ineligible to participate in any boxing, sparring, or unarmed combat match or exhibition, or any other activity or event regulated by the commission, notwithstanding that the person may hold a valid license issued by the commission. The period of ineligibility shall be for not less than six (6) months nor more than three (3) years, as determined by the commission. If a convicted person is declared ineligible, the commission shall

suspend the person and declare the person ineligible to participate in any boxing, sparring, or unarmed combat match or exhibition, or any other activity or event regulated by the commission, as soon as it discovers the conviction, but the period of ineligibility shall commence from the actual date of the conviction. During the period of ineligibility, the suspended person may reapply to the commission for a license.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-31
Revocation and suspension

Sec. 31. (a) Any license under this chapter may be revoked or suspended by the commission for reasons sufficient under this chapter.

(b) If a person displays to the public credentials issued by the commission that:

(1) have been revoked or suspended under this chapter; or

(2) have expired;

the commission may declare the person ineligible for a period to be determined by the commission to participate in any boxing, sparring, or unarmed combat match, exhibition, or other activity regulated by the commission.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-32
Match or exhibition; gross receipts tax; report

Sec. 32. (a) Every person, club, corporation, firm, or association that may conduct any match or exhibition under this chapter shall do the following within twenty-four (24) hours after the end of the match or exhibition:

(1) Furnish to the commission, by mail, a written report duly verified by that person or, if a club, corporation, firm, or association, by one (1) of its officers, showing the amount of the gross proceeds for the match or exhibition and other related matters as the commission may prescribe.

(2) Pay a tax of five percent (5%) of the price from the sale of each admission ticket to the match or exhibition, which price is a separate and distinct charge and may not include any tax imposed on and collected on account of the sale of the ticket. Money derived from the tax shall be deposited in the fund.

(3) Pay all fees established by the commission necessary to cover the administrative costs of its regulatory oversight function.

The commission may waive the tax on the price of admission for complimentary admissions.

(b) Before any license is granted for any boxing, sparring, or unarmed combat match or exhibition in Indiana, a bond or other instrument that provides financial recourse must be provided to the

commission. The instrument must be:

(1) in an amount determined by the commission;

(2) approved as to form and sufficiency of the sureties by the commission;

(3) payable to the state; and

(4) conditioned for the payment of the tax imposed, the officials and contestants, and compliance with this chapter and the valid rules of the commission.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-33

Closed circuit telecast; pay per view telecast; subscription television; gross receipts tax; report

Sec. 33. Every promoter holding or showing any public boxing, sparring, mixed martial arts, or unarmed combat match or exhibition for viewing in Indiana on a closed circuit telecast, pay per view telecast, or subscription television that is viewed by subscribers who are not present at the venue shall furnish the executive director of the commission a written report, under oath, stating the amount of gross proceeds from the closed circuit telecast, pay per view telecast, or subscription television viewing in Indiana and any other matter as the commission may prescribe. The promoter shall, within seventy-two (72) hours after the determination of the outcome of the match or exhibition, pay a tax of three percent (3%) of the gross receipts from the viewing of the match or exhibition on a closed circuit telecast, pay per view telecast, or subscription television. However, the tax may not exceed fifty thousand dollars ($50,000) for each event. Money derived from the tax shall be placed in the state general fund. The budget agency may augment appropriations from the fund to the Indiana gaming commission to regulate boxing, sparring, unarmed combat, and any other form of mixed martial arts.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-34

Unsatisfactory reports; examination of records; penalties

Sec. 34. Whenever a report under section 32 or 33 of this chapter is unsatisfactory to the state treasurer, the state treasurer may examine or cause to be examined the books and records of the person, club, corporation, or association and subpoena and examine, under oath, that person or officers and other persons as witnesses for the purpose of determining the total amount of the gross receipts derived from any contest, and the amount of tax due, under this chapter, which tax the state treasurer may upon examination, fix and determine. In case of default in the payment of any tax due, together with the expenses incurred in making the examination for a period of twenty (20) days after written notice to the delinquent person, club, corporation, or association of the amount fixed by the state treasurer as delinquent, the person, club, corporation, or association shall be

disqualified from receiving any new license or permit, and the attorney general shall institute suit upon the bond filed under section 32 of this chapter, to recover the tax and penalties imposed by this chapter. In addition to the tax due from the delinquent person, club, corporation, or association, a penalty in the sum of not more than one thousand dollars ($1,000) for each offense shall be recovered by the attorney general for the state.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-35
Appointment of inspectors

Sec. 35. The commission may appoint official representatives, designated as inspectors, each of whom shall receive from the commission a card authorizing the official representative to act as an inspector wherever the commission may designate the official representative to act. One (1) inspector or deputy shall:

(1) be present at all boxing, sparring, or unarmed combat matches or exhibitions and ensure that the rules of the commission and this chapter are strictly observed; and

(2) be present at the counting up of the gross receipts and immediately mail to the commission the final box office statement received by the inspector or deputy from the person or officers of the club, corporation, or association conducting the match or exhibition.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-36
Regulation of weights and classes of contestants; rules

Sec. 36. The commission shall determine the weights and classes of boxers and unarmed competitors and the rules and regulations of boxing and unarmed combat.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-37
Display of purchase price on tickets; maximum attendance limits

Sec. 37. All tickets of admission to any boxing, sparring, or unarmed combat match or exhibition must clearly show the purchase price. Tickets shall not be sold for more than the price printed on the tickets. It is unlawful for any person, club, corporation, or association to admit to a contest a number of people greater than the seating capacity of the place where the contest is held.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-38
Contestants; prohibition on prepayment of services; honest exhibition condition of payment

Sec. 38. A contestant shall not be paid for services before the contest, and the referee and judges must determine that if any

contestant did not give an honest exhibition of the contestant's skill, the contestant's services shall not be paid for.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-39
Deposit of fees in fund

Sec. 39. All fees received by the executive director of the commission on behalf of the commission under this chapter shall be paid into the fund.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-40
Penalties

Sec. 40. A person who knowingly, recklessly, or intentionally violates this chapter commits a Class B misdemeanor.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-41
Adoption of rules

Sec. 41. The commission may adopt rules under IC 4-22-2 to administer this chapter.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-42
Grounds for disciplinary action

Sec. 42. A licensee shall comply with the standards established by the commission. A practitioner is subject to the disciplinary sanctions under section 43 of this chapter if, after a hearing, the commission finds any of the following concerning the practitioner:

(1) Failure, without just cause, to observe the terms of any contract required to be on file with the commission.
(2) Violation of any of the provisions of the statutes, rules, or orders of the commission.
(3) Interference with the official duties of other licensees, the commission, or any administrative officer or representative of the commission.
(4) Gambling that is otherwise prohibited by law on the result of any bout permitted by the commission.
(5) Noncompetitive boxing, sparring, or unarmed combat or the solicitation of noncompetitive boxers or unarmed competitors.
(6) Failure to appear at designated times and places as required by the commission.
(7) Bribery or attempted bribery of any licensee, employee, or member of the commission.
(8) Employing or knowingly cooperating in fraud or material deception in order to obtain any license or permit issued by the commission.
(9) Conviction for a crime that has a direct bearing on the

applicant's or licensee's ability to perform acts that require a license or permit issued by the commission.

(10) Unlicensed or unpermitted participation in any activity in Indiana for which a license or permit issued by the commission is required.

(11) Participating, directly or indirectly, in any agreement to circumvent any rules or ruling of the commission.

(12) Any activity that undermines the integrity of boxing, sparring, or unarmed combat.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-43

Sanctions

Sec. 43. (a) The commission may impose any of the following sanctions, singly or in combination, if the commission finds that a licensee is subject to disciplinary sanctions under section 42 of this chapter:

(1) Permanently revoke a licensee's license.

(2) Suspend a licensee's license.

(3) Censure a licensee.

(4) Issue a letter of reprimand.

(5) Place a licensee on probation status and require the licensee to:

(A) report regularly to the commission upon the matters that are the basis of probation;

(B) limit the licensee's participation at boxing, sparring, or unarmed combat events to those areas prescribed by the commission; or

(C) perform any acts, including community restitution or service without compensation, or refrain from performing any acts, that the commission considers appropriate to the public interest or to the rehabilitation or treatment of the licensee.

(6) Assess a civil penalty against the licensee for not more than one thousand dollars ($1,000) for each violation listed in section 42 of this chapter.

(7) Order a licensee to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.

(b) When imposing a civil penalty under subsection (a)(6), the commission shall consider a licensee's ability to pay the amount assessed. If the licensee fails to pay the civil penalty within the time specified by the commission, the commission may suspend the licensee's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the licensee's inability to pay a civil penalty.

(c) The commission may withdraw or modify the probation under subsection (a)(5) if the commission finds after a hearing that the

deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-44
Summary suspension

Sec. 44. (a) The commission may summarily suspend a licensee's license for ninety (90) days before a final adjudication or during the appeals process if the commission finds that a licensee represents a clear and immediate danger to the public's health, safety, or property if the licensee is allowed to continue to participate in boxing, sparring, or unarmed combat matches, contests, or exhibitions. The summary suspension may be renewed upon a hearing before the commission, and each renewal may be for not more than ninety (90) days.

(b) Before the commission may summarily suspend a license under this section, the commission shall make a reasonable attempt to notify the licensee of:

(1) a hearing by the commission to suspend the licensee's license; and

(2) information regarding the allegation against the licensee.

The commission shall also notify the licensee that the licensee may provide a written or an oral statement to the commission on the licensee's behalf before the commission issues an order for summary suspension. A reasonable attempt to notify the licensee is made if the commission attempts to notify the licensee by telephone or facsimile at the last telephone number or facsimile number of the licensee on file with the commission.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-45
Reinstatement

Sec. 45. The commission may reinstate a license that has been suspended under this chapter if, after a hearing, the commission is satisfied that the applicant is able to participate at a boxing, sparring, or unarmed combat match, contest, or exhibition in a professional manner and with reasonable skill. As a condition of reinstatement, the commission may impose disciplinary or corrective measures authorized under this chapter.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-46
Reinstatement not available for revoked license; waiting period before reapplying for license

Sec. 46. The commission may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-47
Surrender of license

Sec. 47. A licensee may petition the commission to accept the surrender of the licensee's license instead of having a hearing before the commission. The licensee may not surrender the licensee's license without the written approval of the commission, and the commission may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.
As added by P.L.113-2010, SEC.11.

IC 4-33-22-48
Costs of disciplinary proceeding

Sec. 48. A licensee who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The licensee's ability to pay shall be considered when costs are assessed. If the licensee fails to pay the costs, a suspension may not be imposed solely upon the licensee's inability to pay the amount assessed. These costs are limited to costs for the following:

(1) Court reporters.
(2) Transcripts.
(3) Certification of documents.
(4) Photo duplication.
(5) Witness attendance and mileage fees.
(6) Postage.
(7) Expert witnesses.
(8) Depositions.
(9) Notarizations.
(10) Administrative law judges.

As added by P.L.113-2010, SEC.11.

IC 4-33-22-49
Effect of disciplinary action by another state or jurisdiction; probationary licenses

Sec. 49. (a) The commission may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:
    (A) been disciplined by a licensing entity of another state or jurisdiction; or
    (B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and
(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently and professionally participate in a boxing, sparring, or unarmed combat match, contest, or exhibition in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant participated in a boxing, sparring, or unarmed combat match, contest, or exhibition in Indiana without a license in violation of the law.

(c) Whenever the commission issues a probationary license, the commission may require a licensee to do any of the following:

(1) Report regularly to the commission upon the matters that are the basis of the discipline of the other state or jurisdiction.

(2) Limit participation in a boxing, sparring, or unarmed combat match, contest, or exhibition to the areas prescribed by the commission.

(3) Engage in community restitution or service without compensation for the number of hours specified by the commission.

(4) Perform or refrain from performing an act that the commission considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The commission shall remove any limitations placed on a probationary license under this section if the commission finds after a public hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L.113-2010, SEC.11.

IC 4-33-23

Chapter 23. Administration of Local Development Agreements

IC 4-33-23-1

"Affiliate"

Sec. 1. As used in this chapter, "affiliate" means any person who directly or indirectly controls, is controlled by, or is under common control of another person.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-2

"Development agreement"

Sec. 2. As used in this chapter, "development agreement" means the written agreement or group of written agreements that:

(1) is between a person or a unit of government, and a development provider; and

(2) sets forth the financial commitments of a development provider to support economic development, including, without limitation, charitable or educational purposes in a specified location.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-3

"Development provider"

Sec. 3. As used in this chapter, "development provider" means:

(1) a licensed owner;

(2) an operating agent; or

(3) an affiliate of a licensed owner or an operating agent who makes or may make an economic development payment.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-4

"Economic development payment"

Sec. 4. As used in this chapter, "economic development payment" means monetary disbursement paid under a development agreement that is:

(1) received by a unit of government or any other person; and

(2) not paid in legitimate exchange for anything of value, including, without limitation:

(A) a lease;

(B) a purchase order; or

(C) a service contract.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-5

"Specified recipient"

Sec. 5. As used in this chapter, "specified recipient" means a

person that is named in a development agreement that:

(1) receives an economic development payment from a development provider; and

(2) is not a party to the development agreement.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-6

"Unspecified recipient"

Sec. 6. As used in this chapter, "unspecified recipient" means a person that is not named in a development agreement that receives a disbursement of money from a specified recipient.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-7

Commission jurisdiction over development agreements

Sec. 7. (a) The commission has continuous jurisdiction over development agreements, including the ability to disapprove part or all of a development agreement if disapproval would ensure:

(1) compliance with this article, the rules of the commission, and federal law;

(2) the integrity of gambling operations in Indiana; and

(3) compliance with the purposes of the agreement.

(b) The commission may verify and ensure that development agreements, economic development payments, disbursements to unspecified recipients, and expenditures of third party recipients:

(1) comply with state and federal law;

(2) do not adversely affect the integrity of gambling operations in Indiana; and

(3) comply with the purposes of the agreement.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-8

Development agreements; required statement

Sec. 8. All development agreements must contain the following statement:

"All parties to this agreement recognize the authority of the Indiana gaming commission over this agreement, including the authority to disapprove all or part of this agreement, to verify and ensure payments made under this agreement, to verify and ensure expenditures by recipients, to verify and ensure compliance with the purposes of the agreement, and to act concerning modifications to the agreement. All parties to this agreement agree to comply fully with any requests for information or directives related to the exercise of the commission's authority.".

As added by P.L.82-2011, SEC.1. Amended by P.L.6-2012, SEC.21.

IC 4-33-23-9

Development agreements; economic development payments

Sec. 9. A development agreement shall accurately reflect the flow of economic development payments.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-10

Annual reports of development providers

Sec. 10. (a) A development provider shall report annually to the commission the following:

(1) the total dollar amounts of economic development payments;

(2) the parties or specified recipients, or both, that receive economic development payments; and

(3) any other items related to an economic development payment that the commission may require.

(b) A specified recipient of an economic development payment shall report annually to the commission an accounting of:

(1) any economic development payment received by the recipient; and

(2) any disbursements of economic development payment money that the recipient makes to:

(A) another specified recipient; or

(B) an unspecified recipient.

(c) A report submitted under subsection (b) must include:

(1) the legal name of the person submitting the report;

(2) the date, amount, and purpose of each disbursement;

(3) the name of each specified or unspecified recipient receiving a disbursement; and

(4) any other information that the commission may require.

(d) Upon request of the commission, a person submitting a report under subsection (a) or (b) shall attach to the report sufficient documentation to support a transaction described in the report.

(e) A report submitted under subsection (a) or (b) must be submitted to the department of local government finance and made available electronically through the Indiana transparency Internet web site established under IC 5-14-3.7.

(f) The commission may require, with respect to a report required by this section:

(1) the format of the report;

(2) the deadline by which the report must be filed; and

(3) the manner in which the report must be maintained and filed.

As added by P.L.82-2011, SEC.1. Amended by P.L.229-2013, SEC.24.

IC 4-33-23-11

Restrictions on parties to development agreements and recipients

Sec. 11. (a) A party that is not the development provider may not

be a for-profit person.

(b) A specified recipient may not be a for-profit person.

(c) A specified recipient who disburses part or all of an economic development payment to an unspecified recipient has a duty to ensure that the expenditures made by the unspecified recipient directly advance the stated purposes of the economic development payment.

As added by P.L.82-2011, SEC.1. Amended by P.L.6-2012, SEC.22.

IC 4-33-23-12

Nonprofit specified recipients; conflict of interest statements

Sec. 12. (a) Each nonprofit specified recipient must have a conflict of interest statement that complies with state and federal law, and must provide the commission with a copy of the statement.

(b) Each nonprofit specified recipient must provide the commission with a copy of its bylaws.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-13

Economic development payments; deposits

Sec. 13. (a) Any recipient of an economic development payment must deposit the economic development payment into a separate and segregated bank account not later than five (5) days after its receipt.

(b) The bank account referenced in subsection (a):

(1) must allow expenditures only in accordance with the terms of the development agreement;

(2) must be used to account for and report the proceeds of economic development payments; and

(3) must be maintained at an FDIC insured bank that is located in and has a corporate presence in the State of Indiana.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-14

Development agreement modifications

Sec. 14. (a) If all parties to a development agreement agree to modify the development agreement, the parties shall:

(1) submit to the commission a written request for modification, which shall be signed by all parties;

(2) submit a copy of the development agreement as it would appear after modification; and

(3) submit a document explaining the parties' reasons for the requested modifications.

(b) The commission may consider a request for modification that complies with subsection (a).

(c) If the commission approves the parties' request, the parties shall provide the commission with a fully executed copy of the new development agreement not later than thirty (30) days after the date of commission approval.

As added by P.L.82-2011, SEC.1. Amended by P.L.6-2012, SEC.23.

IC 4-33-23-15
Modifications following commission disapproval of an economic development agreement

Sec. 15. (a) If the commission has disapproved all or part of a development agreement, the development provider shall request a modification of the development agreement.

(b) The development provider shall submit to the commission:

(1) a copy of the development agreement as it would appear after modification; and

(2) a listing of all proposed modifications.

(c) The commission shall consider a request for modification that complies with subsections (a) and (b).

(d) The development provider shall notify all parties to the development agreement whose participation in the development agreement has not been disapproved of by the commission that it has submitted a modification request to the commission.

(e) Any party to a development agreement whose participation in the development agreement has not been disapproved of by the commission may submit to the commission any information that it considers relevant to the proposed modification.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-16
Filings made available to the attorney general upon request

Sec. 16. Upon request of the attorney general, the commission shall make available to the attorney general all filings made under this chapter regarding a development agreement.

As added by P.L.82-2011, SEC.1.

IC 4-33-23-17
Political subdivision reporting to the department of local government finance

Sec. 17. (a) Any political subdivision receiving an economic development payment shall annually report the following information to the department of local government finance:

(1) The total amount of economic development payments received in the previous state fiscal year.

(2) The balance of the fund in which the political subdivision deposited the economic development payments under section 13 of this chapter as of the end of the previous state fiscal year.

(b) A political subdivision shall submit the report required by subsection (a) to the department of local government finance before October 1 of each year.

(c) The department of local government finance shall make the report available electronically through the Indiana transparency Internet web site established under IC 5-14-3.7.

As added by P.L.229-2013, SEC.25.

IC 4-33-24

Chapter 24. Paid Fantasy Sports

IC 4-33-24-1

Paid fantasy sports game is not gambling

Sec. 1. A paid fantasy sports game conducted under this chapter does not constitute gambling for any purpose, including under IC 35-45-5.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-2

"Bureau"

Sec. 2. "Bureau" refers to the child support bureau of the department of child services established by IC 31-25-3-1.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-3

"Confidential information"

Sec. 3. As used in this chapter, "confidential information" means information related to the play of paid fantasy sports games by game participants obtained solely as a result of or by virtue of a person's employment.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-4

"Division"

Sec. 4. As used in this chapter, "division" refers to the paid fantasy sports division established by section 11 of this chapter.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-5

"Game operator"

Sec. 5. As used in this chapter, "game operator" means a person who:

(1) is engaged in the business of professionally conducting paid fantasy sports games for cash prizes for members of the general public; and

(2) requires cash or a cash equivalent as an entry fee to be paid by a member of the general public who participates in a paid fantasy sports game.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-6

"Game participant"

Sec. 6. As used in this chapter, "game participant" means an individual who participates in a paid fantasy sports game offered by a game operator.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-7
"Licensed facility"

Sec. 7. As used in this chapter, "licensed facility" means any of the following:

(1) A satellite facility licensed under IC 4-31-5.5.
(2) A riverboat (as defined by IC 4-33-2-17).
(3) A gambling game facility operated under IC 4-35.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-8
"Licensee"

Sec. 8. As used in this chapter, "licensee" means any of the following:

(1) A permit holder (as defined by IC 4-31-2-14).
(2) A licensed owner (as defined by IC 4-33-2-13).
(3) An operating agent (as defined by IC 4-33-2-14.5).

As added by P.L.212-2016, SEC.2.

IC 4-33-24-9
"Paid fantasy sports game"

Sec. 9. As used in this chapter, "paid fantasy sports game" means any fantasy or simulation sports game or contest that meets the following conditions:

(1) The values of all prizes and awards offered to winning game participants are established and made known to the game participants in advance of the game or contest.
(2) All winning outcomes reflect the relative knowledge and skill of the game participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sporting events.
(3) No winning outcome is based on the score, point spread, or performance or performances of any single team or combination of teams, or solely on any single performance of an individual athlete or player in any single event.
(4) The statistical results of the performance of individuals under subdivision (2) are not based on college or high school sports.
(5) All participants must pay, with cash or a cash equivalent, an entry fee to participate.
(6) Unless authorized by the horse racing commission, established by IC 4-31-3-1, no winning outcome is based on the accumulated statistical results of a performance by an individual or horse:
    (A) in a race or races at a recognized meeting (as defined in IC 4-31-2-20); or
    (B) on the simulcast, as defined in IC 4-31-2-20.6, of a horse race or horse races.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-10
"Person"

Sec. 10. As used in this chapter, "person" means any association, corporation, limited liability company, fiduciary, individual, joint stock company, joint venture, partnership, sole proprietorship, or other private legal entity.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-11
Paid fantasy sports division established

Sec. 11. (a) The paid fantasy sports division is established within the commission.

(b) The division shall maintain the integrity of the paid fantasy sports division. Game operators, game operator applicants, and licensees must encourage confidence in the commission and the division by maintaining high standards of honesty, integrity, and impartiality.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-12
Powers and duties; adoption of rules

Sec. 12. (a) Except as provided in subsection (c), the division has the following powers and duties for purposes of administering, regulating, and enforcing the system of paid fantasy sports under this chapter:

(1) All powers and duties in this chapter.

(2) All powers necessary and proper to fully and effectively execute this chapter.

(3) To investigate and reinvestigate applicants, game operators, and licensees with whom a game operator has entered into a contract under section 14 of this chapter.

(4) To investigate alleged violations of this chapter.

(5) To revoke, suspend, or renew licenses under this chapter.

(6) To take any reasonable or appropriate action to enforce this chapter.

(b) Except as provided in subsection (c), the division may do the following:

(1) Take appropriate administrative enforcement or disciplinary action against a person who violates this chapter.

(2) Conduct hearings.

(3) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.

(4) Administer oaths and affirmations to witnesses.

(c) The division may not adopt rules limiting or regulating:

(1) rules or the administration of an individual game or contest;

(2) the statistical makeup of a game or contest; and

(3) the digital platform of a game operator.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-13
Adoption of rules

Sec. 13. (a) The division shall adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter, including rules for the following purposes:

(1) Administering this chapter.

(2) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of paid fantasy sports.

(3) Establishing rules concerning the review of the permits or licenses necessary for a game operator, licensed facility, or licensee.

(4) Imposing penalties for noncriminal violations of this chapter.

(b) The division and the commission shall allow game operators who are operating in Indiana on March 31, 2016, to continue operating until they have received or have been denied a license.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-14
Game operators; licensee contracts

Sec. 14. A game operator may:

(1) conduct one (1) or more paid fantasy sports games through an Internet web site maintained and operated by the game operator; or

(2) contract with a licensee to conduct one (1) or more paid fantasy sports games on the premises of a licensed facility.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-15
Game operator requirements; fees

Sec. 15. (a) A game operator must:

(1) be authorized to transact business in Indiana under IC 23; and

(2) pay to the division the initial fee imposed under subsection (b).

(b) A game operator shall pay to the division an initial fee of at least fifty thousand dollars ($50,000) for the privilege of conducting paid fantasy sports games under this chapter. The division may increase the initial fee up to seventy-five thousand dollars ($75,000) to pay for all of the direct and indirect costs of the operation of the division.

(c) A game operator shall annually pay to the division a five thousand dollar ($5,000) fee on the anniversary date of the payment made under subsection (b) to renew the privilege of conducting paid fantasy sports games under this chapter.

(d) The division shall deposit all fees received under this section in the fantasy sports regulation and administration fund.
As added by P.L.212-2016, SEC.2.

IC 4-33-24-16
Game operator requirements

Sec. 16. A game operator must do the following to conduct paid fantasy sports games under this chapter:

(1) Provide written notice to the division of the game operator's intent to conduct paid fantasy sports games under this chapter.

(2) Submit for the division's approval any proposed contract with a licensee through which the game operator intends to conduct paid fantasy sports games under this chapter.

(3) Submit a plan for doing the following:

(A) Verifying the identity and age of patrons who wish to participate in a paid fantasy sports game conducted under this chapter.

(B) Maintaining the security of the identifying and financial information of game participants participating in paid fantasy sports games conducted under this chapter.

(C) Promoting paid fantasy sports games conducted under this chapter in a manner that accurately describes the relationship between the game operator and a licensee.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-17
Licensee's license renewals; licensee investigations; investigation costs

Sec. 17. (a) A licensee's license may be renewed annually upon a determination by the division that the licensee is in compliance with this chapter.

(b) A licensee shall undergo a complete investigation every three (3) years to determine if the licensee is in compliance with this chapter.

(c) A licensee shall bear the cost of an investigation or reinvestigation of the licensee and any investigation resulting from a potential transfer of ownership.
As added by P.L.212-2016, SEC.2.

IC 4-33-24-18
Entry fees

Sec. 18. A game operator may charge an entry fee to participate in a paid fantasy sports game conducted under this chapter.
As added by P.L.212-2016, SEC.2.

IC 4-33-24-19
Participant age requirements

Sec. 19. An individual must be at least eighteen (18) years of age

to participate in a paid fantasy sports game conducted under this chapter.
As added by P.L.212-2016, SEC.2.

IC 4-33-24-20
Prizes

Sec. 20. Any prize awarded in a paid fantasy sports game must be made known before the fantasy game begins. The value of a prize awarded in the paid fantasy sports game may not be determined by the number of game participants in the paid fantasy sports game or the amount of entry fees paid by the game participants.
As added by P.L.212-2016, SEC.2.

IC 4-33-24-21
Required game operator procedures

Sec. 21. A game operator shall implement procedures to do the following:

(1) Prevent employees of the game operator or a licensee with whom the game operator has entered into a contract under section 14 of this chapter, and any relative of an employee living in the household of the employee, from competing in a paid fantasy sports game in which the cash prize exceeds five dollars ($5).

(2) Prevent an owner, director, or officer of the game operator or a licensee with whom the game operator has entered into a contract under section 14 of this chapter from being a game participant in any paid fantasy sports game offered by the game operator.

(3) Prevent employees of the game operator or a licensee with whom the game operator has entered into a contract under section 14 of this chapter from sharing confidential information that could affect paid fantasy sports game play with third parties until the information is made publicly available.

(4) Verify that a game participant is at least eighteen (18) years of age.

(5) Prevent an individual who is a player, game official, or other participant in an actual sporting event or competition from participating in any paid fantasy sports game that is determined in whole or in part on the performance of that individual, the individual's actual team, or the accumulated statistical results of the sporting event or competition in which the individual is a player, game official, or other participant.

(6) Allow individuals to restrict themselves from entering paid fantasy sports games.

(7) Disclose the number of paid fantasy sports games a single game participant may enter.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-22
Game operator preventative measures

Sec. 22. A game operator shall take reasonable steps to do the following:

(1) Prevent the participation in paid fantasy sports games of individuals who have restricted themselves from entering paid fantasy sports games.

(2) Prevent game participants from entering more than the maximum number of allowed paid fantasy sports games.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-23
Segregation of game participant funds

Sec. 23. A game operator shall segregate the funds of game participants from the operational funds of the game operator.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-24
Financial reserves

Sec. 24. For the protection of the funds of game participants held in paid fantasy sports game accounts, a game operator shall maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination of these sources that is equal to the amount of money deposited in paid fantasy sports game accounts of game participants.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-25
Certified public accountant contracts

Sec. 25. A game operator shall contract annually with a certified public accountant to perform a financial audit of the game operator's paid fantasy sports game operations under this chapter to ensure compliance with this chapter. The game operator shall submit the results of the audit to the division. The same certified public accountant may not perform more than two (2) consecutive financial audits for a game operator under this section.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-26
Civil penalties

Sec. 26. The division may impose a civil penalty upon a game operator, a licensee, or an employee of a game operator or a licensee for a violation of this chapter. The maximum amount of a civil penalty imposed under this section for a particular violation is one thousand dollars ($1,000). The division shall deposit all civil penalties received under this section in the fantasy sports regulation and administration fund.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-27
Entry fees and revenues received by a licensee

Sec. 27. Entry fees and other revenues received by a licensee under a contract with a game operator for conducting paid fantasy sports games are not considered to be received from a licensee's gaming operations and are not subject to:

(1) a wagering tax imposed under IC 4-33-13 or IC 4-35-8;
(2) the fee imposed under IC 4-35-8.5;
(3) the distribution required under IC 4-35-7-12; or
(4) any other tax or fee imposed upon a licensee under IC 4-31, IC 4-33, or IC 4-35.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-28
Fantasy sports regulation and administration fund

Sec. 28. (a) The fantasy sports regulation and administration fund is established to provide for the administration of this chapter.

(b) The fund consists of:

(1) any fees and civil penalties deposited in the fund under this chapter;
(2) any money appropriated to the fund by the general assembly; and
(3) any earnings on amounts in the fund.

(c) The commission shall administer the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-29
Delinquent child support; duties related to interception of winnings

Sec. 29. (a) This section applies beginning July 1, 2017.

(b) The bureau shall provide information to a game operator or licensee concerning persons who are delinquent in child support.

(c) If a permit holder or trustee is required to file Form 1099 or a substantially equivalent form with the United States Internal Revenue Service for a person who is delinquent in child support, before payment of cash winnings from paid fantasy sports, the game operator or licensee permit holder or trustee:

(1) may deduct and retain an administrative fee in the amount of the lesser of:
    (A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or
    (B) one hundred dollars ($100); and
(2) shall:

(A) make a reasonable effort to withhold the amount of delinquent child support owed from the cash winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the permit holder or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(d) The bureau shall notify the obligor at the address provided by the permit holder or trustee that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(e) The bureau shall hold the amount withheld from cash winnings of the obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(f) The delinquent child support required to be withheld under this section and an administrative fee described under subsection (c)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law.

As added by P.L.212-2016, SEC.2.

IC 4-33-24-30

Game operator prohibited conduct

Sec. 30. A game operator may not:

(1) advertise a paid fantasy sports contest in any publication or medium that is aimed exclusively to juveniles; or

(2) advertise a paid fantasy sports contest or run promotional activities concerning a paid fantasy sports contest at:

(A) elementary schools, as defined by IC 20-18-2-4;

(B) high schools, as defined by IC 20-18-2-7; or

(C) sports venues used exclusively for:

(i) elementary school, as defined by IC 20-18-2-4; or

(ii) high school, as defined by IC 20-18-2-7;

student sports activities.

As added by P.L.212-2016, SEC.2.

IC 4-34

ARTICLE 34. INDIANA TECHNOLOGY FUND

IC 4-34-1

Chapter 1. Definitions

IC 4-34-1-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.340-1995, SEC.39.

IC 4-34-1-2

"Fund"

Sec. 2. "Fund" means the Indiana technology fund created by IC 4-34-2-1.

As added by P.L.340-1995, SEC.39.

IC 4-34-1-3

"Technology project"

Sec. 3. "Technology project" means:

(1) the installation and improvement of computers, wiring, media distribution systems, telephone access systems, automation systems, networks, electronic gateway access, and related systems in libraries and schools;

(2) the purchase of software and technical support for projects listed in subdivision (1);

(3) the lease, purchase, rehabilitation, repair, or improvement of equipment or furnishings related to projects listed in subdivision (1); and

(4) professional development related to and salaries for management of projects listed in subdivision (1).

As added by P.L.340-1995, SEC.39.

IC 4-34-1-4

"Technology project cost"

Sec. 4. "Technology project cost" means the cost or fair market value of any technology project, including equipment, plans, specifications, estimates, studies, salaries, services, and other expenses as may be necessary or incident to the development and placing in operation of any technology project.

As added by P.L.340-1995, SEC.39.

IC 4-34-2

Chapter 2. Indiana Technology Fund

IC 4-34-2-1

Establishment

Sec. 1. The Indiana technology fund is established. Money in the fund at the end of a state biennium reverts to the build Indiana fund.

As added by P.L.340-1995, SEC.39. Amended by P.L.186-2002, SEC.12.

IC 4-34-2-2

Composition of fund

Sec. 2. The fund consists of the following:

(1) Appropriations from the general assembly.

(2) Investment earnings, including interest, on money in the fund as provided in this chapter.

As added by P.L.340-1995, SEC.39.

IC 4-34-2-3

Investment of money

Sec. 3. The treasurer of state shall invest the money in the fund not currently needed to meet the commitments of the fund in the same manner as other public funds may be invested. Investment earnings, including interest, on money in the fund shall accrue to the fund, and any losses on account of the investment of the fund shall be charged against the fund.

As added by P.L.340-1995, SEC.39.

IC 4-34-2-4

Appropriations

Sec. 4. The money in the fund is continually appropriated by this chapter to the budget agency created by IC 4-12-1-3. However, no money may be disbursed from the fund except in accordance with the provisions of this article.

As added by P.L.340-1995, SEC.39.

IC 4-34-3

Chapter 3. Use of Fund

IC 4-34-3-1

Accordance with chapter

Sec. 1. Money in the fund shall be used in accordance with this chapter.

As added by P.L.340-1995, SEC.39.

IC 4-34-3-2

Libraries; Indiana library and historical board and budget agency rules

Sec. 2. (a) Money in the fund shall be allocated annually to libraries, including the INSPIRE project.

(b) The Indiana library and historical board established by IC 4-23-7-2 and the budget agency may jointly make rules necessary or appropriate to the administration of this chapter.

(c) Each library in Indiana is entitled in each calendar year to apply to the Indiana library and historical board for a grant for a technology project. From time to time, but not more often than semiannually, the Indiana library and historical board shall make recommendations to the budget agency as to grants from the Indiana technology fund. After review by the budget committee established by IC 4-12-1-3 and approval by the governor, the budget agency may allot money to the Indiana library and historical board for the grants.

As added by P.L.340-1995, SEC.39. Amended by P.L.260-1997(ss), SEC.40; P.L.273-1999, SEC.187.

IC 4-34-3-3

Repealed

(Repealed by P.L.260-1997(ss), SEC.95.)

IC 4-34-3-4

Office of technology; grants and payments

Sec. 4. Money in the fund shall be allocated annually to the office of technology established by IC 4-13.1-2-1 to make matching grants to school corporations or to make payments directly to vendors for Internet connections and related equipment for a school corporation. The office of technology shall develop a plan to implement grants under this section. The budget committee shall review the plan. The budget agency must approve of the plan.

As added by P.L.340-1995, SEC.39. Amended by P.L.260-1997(ss), SEC.41; P.L.273-1999, SEC.188; P.L.177-2005, SEC.11.

IC 4-34-3-5

Technology grant plan program

Sec. 5. Money in the fund shall be allocated annually to the technology grant plan program established under IC 20-20-13 for

technology plan grants to school corporations under IC 20-20-13.
As added by P.L.340-1995, SEC.39. Amended by P.L.30-1996, SEC.1; P.L.260-1997(ss), SEC.42; P.L.273-1999, SEC.189; P.L.1-2005, SEC.69.

IC 4-34-3-6
Conditions of allocation

Sec. 6. The allocation of money under sections 4 through 5 of this chapter is subject to:

(1) the availability of money for allocation; and

(2) a recommendation by the department of education (established by IC 20-19-3-1) to the budget agency that a program is able to utilize the money.

As added by P.L.340-1995, SEC.39. Amended by P.L.260-1997(ss), SEC.43; P.L.1-2005, SEC.70.

IC 4-34-4

Chapter 4. Reports

IC 4-34-4-1

Report on use of money

Sec. 1. Not later than one hundred twenty (120) days after the end of each state fiscal year, the budget agency shall provide the general assembly, members of the state budget committee, and the governor with a report as to the use of the money in the fund during the previous state fiscal year. A report provided under this section to the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.340-1995, SEC.39. Amended by P.L.28-2004, SEC.53.

IC 4-35

ARTICLE 35. GAMBLING GAMES AT RACETRACKS

IC 4-35-1

Chapter 1. Application

IC 4-35-1-1

Application of article

Sec. 1. This article applies only to gambling games conducted by a permit holder holding a gambling game license issued under IC 4-35-5.

As added by P.L.233-2007, SEC.21.

IC 4-35-2
Chapter 2. Definitions

IC 4-35-2-1
Application of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.233-2007, SEC.21.

IC 4-35-2-2
"Adjusted gross receipts"
Sec. 2. "Adjusted gross receipts" means:
(1) the total of all cash and property (including checks received by a licensee, whether collected or not) received by a licensee from gambling games, including amounts that are distributed by a licensee under IC 4-35-7-12; minus
(2) the total of:
(A) all cash paid out to patrons as winnings for gambling games; and
(B) uncollectible gambling game receivables, not to exceed the lesser of:
(i) a reasonable provision for uncollectible patron checks received from gambling games; or
(ii) two percent (2%) of the total of all sums, including checks, whether collected or not, less the amount paid out to patrons as winnings for gambling games.
For purposes of this section, a counter or personal check that is invalid or unenforceable under this article is considered cash received by the licensee from gambling games.
As added by P.L.233-2007, SEC.21. Amended by P.L.205-2013, SEC.71; P.L.210-2013, SEC.12.

IC 4-35-2-2.3
"Approved limited mobile gaming system"
Sec. 2.3. "Approved limited mobile gaming system" means a limited mobile gaming system approved by the commission under IC 4-35-7-1.5.
As added by P.L.229-2013, SEC.26.

IC 4-35-2-2.5
"Bureau"
Sec. 2.5. "Bureau" refers to the child support bureau of the department of child services established by IC 31-25-3-1.
As added by P.L.80-2010, SEC.4.

IC 4-35-2-3
"Commission"
Sec. 3. "Commission" refers to the Indiana gaming commission

established by IC 4-33-3-1.
As added by P.L.233-2007, SEC.21.

IC 4-35-2-3.5
"Delinquent"
Sec. 3.5. "Delinquent" means at least:
(1) two thousand dollars ($2,000); or
(2) three (3) months;
past due on payment of court ordered child support.
As added by P.L.80-2010, SEC.5.

IC 4-35-2-4
"Department"
Sec. 4. "Department" refers to the department of state revenue.
As added by P.L.233-2007, SEC.21.

IC 4-35-2-5
"Gambling game"
Sec. 5. "Gambling game" means any of the following:
(1) A game played on a slot machine approved for wagering under this article by the commission.
(2) A game played on a slot machine through the use of a mobile gaming device approved under this article.
(3) A table game approved by the commission under IC 4-35-7-19.
As added by P.L.233-2007, SEC.21. Amended by P.L.229-2013, SEC.27; P.L.255-2015, SEC.21.

IC 4-35-2-6
"Gaming agent"
Sec. 6. "Gaming agent" means an individual described in IC 4-33-4.5.
As added by P.L.233-2007, SEC.21.

IC 4-35-2-7
"Licensee"
Sec. 7. "Licensee" means a person holding a license issued under this article.
As added by P.L.233-2007, SEC.21.

IC 4-35-2-7.5
"Limited mobile gaming system"
Sec. 7.5. "Limited mobile gaming system" refers to a system that enables a licensee to accept wagers through the use of mobile gaming devices approved under this article.
As added by P.L.229-2013, SEC.28.

IC 4-35-2-7.7

"Mobile gaming device"

Sec. 7.7. "Mobile gaming device" means an electronic device, including software, that does the following:

(1) Displays information related to a gambling game.

(2) Enables a patron to place a wager on a gambling game from an approved location using money placed into a deposit account maintained under the rules of the commission.

As added by P.L.229-2013, SEC.29.

IC 4-35-2-8

"Permit holder"

Sec. 8. "Permit holder" means a person holding a permit issued under IC 4-31-5 to conduct a pari-mutuel horse racing meeting.

As added by P.L.233-2007, SEC.21.

IC 4-35-2-9

"Racetrack"

Sec. 9. "Racetrack" means the racetrack specified in a permit holder's permit to conduct a pari-mutuel horse racing meeting.

As added by P.L.233-2007, SEC.21.

IC 4-35-2-10

"Supplier's license"

Sec. 10. "Supplier's license" means a license issued under IC 4-33-7.

As added by P.L.233-2007, SEC.21. Amended by P.L.229-2013, SEC.30.

IC 4-35-2-10.5

"Table game"

Sec. 10.5. "Table game" means an apparatus used to gamble upon, including the following:

(1) A roulette wheel and table.

(2) A blackjack table.

(3) A craps table.

(4) A poker table.

(5) Any other game approved by the commission.

As added by P.L.255-2015, SEC.22.

IC 4-35-2-11

"Trustee"

Sec. 11. "Trustee" means a person granted authority under IC 4-35-12 to conduct gambling games at a racetrack for the mutual benefit of:

(1) the state; and

(2) the permit holder who owns the racetrack.

As added by P.L.142-2009, SEC.17.

IC 4-35-3

Chapter 3. General Provisions

IC 4-35-3-1

Shipments of gambling games

Sec. 1. All shipments of gambling devices, including slot machines, to licensees in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal shipments of gambling devices into Indiana.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.23.

IC 4-35-3-2

Exemption from provisions

Sec. 2. Under 15 U.S.C. 1172, approved January 2, 1951, the state of Indiana, acting by and through elected and qualified members of the general assembly, declares that the state is exempt from 15 U.S.C. 1172.

As added by P.L.233-2007, SEC.21.

IC 4-35-3-3

Local authority preempted; local taxes prohibited; local development agreements prohibited

Sec. 3. (a) This section does not apply to real or personal property taxes imposed by a local taxing unit.

(b) Local governmental authority concerning all matters relating to the gambling games at racetracks conducted under this article is preempted by the state under this article.

(c) No tax or fee, except as provided in this article, shall be assessed or collected from a permit holder by a political subdivision having the power to assess or collect a tax or fee. This section does not prohibit the assessment and levying of property taxes otherwise authorized by law or the imposing of a special assessment (including a ditch or drainage assessment, Barrett Law assessment, improvement assessment, sewer assessment, or sewage assessment) otherwise authorized by law to be imposed on property to be benefitted by an improvement.

(d) A political subdivision may not enter an agreement with a permit holder that requires any financial commitments from the permit holder that are in addition to the fees and taxes imposed under this article.

As added by P.L.233-2007, SEC.21.

IC 4-35-3-4

Legislative intent

Sec. 4. This article will maintain the public's confidence and trust through:

(1) comprehensive law enforcement supervision; and
(2) the strict regulation of facilities, persons, associations, and gambling games at racetracks under this article.

As added by P.L.233-2007, SEC.21.

IC 4-35-4

Chapter 4. Powers and Duties of the Indiana Gaming Commission

IC 4-35-4-1

Administration, regulation, and enforcement of slot machine wagering at racetracks

Sec. 1. (a) The commission shall regulate and administer gambling games conducted by a licensee under this article.

(b) The commission has the following powers and duties for the purpose of administering, regulating, and enforcing the system of gambling games at racetracks authorized under this article:

(1) All powers and duties specified in this article.

(2) All powers necessary and proper to fully and effectively execute this article.

(3) Jurisdiction and supervision over the following:

(A) All gambling game operations in Indiana.

(B) All persons at racetracks where gambling games are conducted.

(4) The power to investigate and reinvestigate applicants and licensees and determine the eligibility of applicants for licenses.

(5) The power to take appropriate administrative enforcement or disciplinary action against a licensee.

(6) The power to investigate alleged violations of this article.

(7) The power to conduct hearings.

(8) The power to issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.

(9) The power to administer oaths and affirmations to the witnesses.

(10) The power to prescribe forms to be used by licensees.

(11) The power to revoke, suspend, or renew licenses issued under this article.

(12) The power to hire employees to gather information, conduct investigations, and carry out other tasks under this article. The employees hired by the commission under this article may be the same as the commission's employees hired under IC 4-32.2 or IC 4-33.

(13) The power to take any reasonable or appropriate action to enforce this article.

(c) The commission may by resolution assign to the executive director any duty imposed upon the commission by this article.

(d) The executive director shall perform the duties assigned to the executive director by the commission. The executive director may exercise any power conferred upon the commission by this article that is consistent with the duties assigned to the executive director under subsection (c).

As added by P.L.233-2007, SEC.21.

IC 4-35-4-2

Rules; violations; fees and penalties; voluntary exclusion program

Sec. 2. (a) The commission shall do the following:

(1) Adopt rules under IC 4-22-2 that the commission determines are necessary to protect or enhance the following:

(A) The credibility and integrity of gambling games authorized under this article.

(B) The regulatory process provided in this article.

(2) Conduct all hearings concerning civil violations of this article.

(3) Provide for the establishment and collection of license fees imposed under this article, and deposit the license fees in the state general fund.

(4) Levy and collect penalties for noncriminal violations of this article and deposit the penalties in the state general fund.

(5) Approve the design, appearance, aesthetics, and construction of gambling game facilities authorized under this article.

(6) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(B) an emergency rule is likely to address the need.

(7) Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection (c).

(8) Establish the requirements for a power of attorney submitted under IC 4-35-5-9.

(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(6) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(6).

(c) Rules adopted under subsection (a)(7) must provide the following:

(1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a facility at which gambling games are conducted or another facility under the jurisdiction of the commission.

(2) That the name of a person participating in the program will be included on a list of persons excluded from all facilities under the jurisdiction of the commission.

(3) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.

(4) That the list of patrons entering the voluntary exclusion

program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.

(5) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.

(6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

As added by P.L.233-2007, SEC.21. Amended by P.L.142-2009, SEC.18; P.L.255-2015, SEC.24.

IC 4-35-4-3
Rules

Sec. 3. The commission shall adopt rules under IC 4-22-2 for the following purposes:

(1) Administering this article.

(2) Establishing the conditions under which gambling games at racetracks may be conducted.

(3) Providing for the prevention of practices detrimental to the public interest.

(4) Establishing rules concerning the inspection of gambling game facilities at racetracks and the review of the licenses necessary to conduct gambling games under this article.

(5) Imposing penalties for noncriminal violations of this article.

As added by P.L.233-2007, SEC.21.

IC 4-35-4-4
Gaming agent duties

Sec. 4. The commission shall be present through the commission's gaming agents during the time gambling games are being conducted at a racetrack to do the following:

(1) Certify the revenue received by a racetrack from gambling games.

(2) Receive complaints from the public concerning the operation of gambling games.

(3) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

As added by P.L.233-2007, SEC.21.

IC 4-35-4-5
Gaming agents; salaries and expenses; worker's compensation fee

Sec. 5. (a) As used in this section, "salaries and other expenses" does not include payments, rights, or benefits available to an employee under IC 22-3-2 through IC 22-3-7.

(b) Gaming agents and staff required to support the gaming agents are employees of the commission and are not considered to be employees of licensees.

(c) The commission shall employ gaming agents to perform duties imposed by this article. A licensee shall, under rules adopted by the commission under IC 4-22-2, reimburse the commission for:

(1) training expenses incurred to train gaming agents;

(2) salaries and other expenses of staff required to support the gaming agents; and

(3) salaries and other expenses of the gaming agents required to be present during the time gambling games are being conducted at a racetrack.

(d) This subsection applies to a state fiscal year beginning after June 30, 2016. Each licensee shall annually pay a special worker's compensation coverage fee of twelve thousand dollars ($12,000) to the commission to be used exclusively to assist the commission in offsetting potential state expenses incurred under IC 22-3-2 through IC 22-3-7 by gaming agents and staff required to support the gaming agents.

(e) This section is subject to section 5.1 of this chapter.

As added by P.L.233-2007, SEC.21. Amended by P.L.72-2016, SEC.3.

IC 4-35-4-5.1
Application of 2016 amendments

Sec. 5.1. (a) Section 5 of this chapter, as in effect before July 1, 2015, applies to an injury or occupational disease occurring before July 1, 2015.

(b) Section 5 of this chapter, as amended during the 2016 session of the general assembly, applies to an injury or occupational disease occurring after June 30, 2015.

As added by P.L.72-2016, SEC.4.

IC 4-35-4-6
Contract with Indiana horse racing commission authorized

Sec. 6. The commission may enter into a contract with the Indiana horse racing commission for the provision of services necessary to administer this article.

As added by P.L.233-2007, SEC.21.

IC 4-35-4-7
Licensing standards

Sec. 7. (a) The commission shall adopt standards for the licensing

of the following:

(1) Persons regulated under this article.

(2) Gambling games.

(3) Limited mobile gaming systems and mobile gaming devices.

(b) Where applicable, 68 IAC applies to racetracks conducting gambling games under this article.

As added by P.L.233-2007, SEC.21. Amended by P.L.229-2013, SEC.31; P.L.255-2015, SEC.25.

IC 4-35-4-8

Records of licensee

Sec. 8. The commission shall require that the records, including financial statements, of a licensee must be maintained in the manner prescribed by the commission.

As added by P.L.233-2007, SEC.21.

IC 4-35-4-9

Ejection or exclusion from facilities

Sec. 9. (a) The commission may eject or exclude or authorize the ejection or exclusion of a person from a facility at which gambling games are conducted if:

(1) the person's name is on the list of persons voluntarily excluding themselves from all facilities at which gambling games are conducted in a program established under the rules of the commission;

(2) the person violates this article; or

(3) the commission determines that the person's conduct or reputation is such that the person's presence within a facility at which gambling games are conducted may:

(A) call into question the honesty and integrity of the gambling games at racetracks; or

(B) interfere with the orderly conduct of the gambling games at racetracks.

(b) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a hearing on the person's ejection or exclusion under this section.

As added by P.L.233-2007, SEC.21.

IC 4-35-4-10

Violations of article; fraudulent acts

Sec. 10. If a licensee or an employee of a licensee violates this article or engages in a fraudulent act, the commission may do any combination of the following:

(1) Suspend, revoke, or restrict the license of the licensee.

(2) Require the removal of a licensee or an employee of a licensee.

(3) Impose a civil penalty of not more than the greater of:

(A) ten thousand dollars ($10,000); or

(B) an amount equal to the licensee's daily gross receipts for the day of the violation;

against a licensee for each violation of this article.

(4) Impose a civil penalty of not more than twenty-five thousand dollars ($25,000) against a person who has been issued a supplier's license for each violation of this article.

As added by P.L.233-2007, SEC.21.

IC 4-35-4-11

Investigative procedures; complaints

Sec. 11. (a) The commission shall review and make a determination on a complaint by a licensee concerning an investigative procedure that the licensee alleges is unnecessarily disruptive of gambling games at racetracks.

(b) A licensee filing a complaint under this section must prove all of the following by clear and convincing evidence:

(1) The investigative procedure had no reasonable law enforcement purpose.

(2) The investigative procedure was so disruptive as to unreasonably inhibit gambling games at racetracks.

(c) For purposes of this section, the need to inspect and investigate a licensee shall be presumed at all times.

As added by P.L.233-2007, SEC.21.

IC 4-35-4-12

Display of toll free telephone number

Sec. 12. (a) The commission shall require a licensee to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:

(1) On each admission ticket to a facility at which gambling games are conducted, if tickets are issued.

(2) On a poster or placard that is on display in a public area of each facility at which gambling games at racetracks are conducted.

(b) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

As added by P.L.233-2007, SEC.21.

IC 4-35-4-13

Prohibition of fee for proposed transfer of ownership

Sec. 13. The commission may not do the following:

(1) Impose, charge, or collect by rule a fee that is not authorized by this article on any party to a proposed transfer of an ownership interest in a license issued under IC 4-35-5.

(2) Make the commission's approval of a proposed transfer of an ownership interest in a license issued under IC 4-35-5 contingent upon the payment of any amount that is not authorized by this article.

As added by P.L.182-2009(ss), SEC.61.

IC 4-35-4-13.2
Model power of attorney

Sec. 13.2. The executive director shall establish a model power of attorney setting forth the terms and conditions under which a trustee may conduct gambling games at a racetrack under IC 4-35-12. The executive director may provide a copy of the model power of attorney to any interested party.
As added by P.L.142-2009, SEC.19.

IC 4-35-4-14
Appointment of temporary trustee

Sec. 14. (a) The commission may appoint a temporary trustee for a particular gambling game facility at a racetrack if the commission makes the following findings:

(1) That circumstances requiring a trustee to assume control of the gambling game facility are likely to occur.

(2) That the commission has not approved a power of attorney identifying any other person to serve as the trustee for the gambling game facility.

(3) That there is not enough time to consider and approve a power of attorney with respect to the gambling game facility before the circumstances found likely to occur under subdivision (1) will occur.

(b) A person appointed under this section must be qualified to perform any duty described in this section or IC 4-35-12.

(c) A trustee appointed by the commission under this section shall serve until any of the following occur:

(1) The commission adopts a resolution under IC 4-35-12-3 authorizing a trustee appointed in an approved power of attorney submitted by the permit holder to conduct gambling games under IC 4-35-12.

(2) The commission revokes the trustee's authority to conduct gambling games as provided by IC 4-35-12-12.

(3) A new permit holder assumes control of the racetrack, gambling game facility, and related properties.

(d) A trustee appointed by the commission under this section shall exercise the trustee's powers in accordance with:

(1) the model power of attorney established by the executive director under section 13.2 of this chapter; and

(2) IC 4-35-12.

As added by P.L.142-2009, SEC.20. Amended by P.L.255-2015, SEC.26.

IC 4-35-4-15
Civil penalties for violations concerning a power of attorney

Sec. 15. The commission may impose a civil penalty upon a

person who:

(1) fails to submit a power of attorney before the deadline specified in IC 4-35-5-9;

(2) fails to take any corrective action required by the commission with respect to a power of attorney submitted under IC 4-35-5-9; or

(3) violates any provision of this article concerning the submission of a power of attorney identifying the person who would serve as a trustee under the power of attorney.

As added by P.L.142-2009, SEC.21.

IC 4-35-4-16

Withholding delinquent child support from winnings; fee; notice; priority of order over other claims

Sec. 16. (a) The bureau shall provide information to a permit holder or trustee concerning persons who are delinquent in child support.

(b) If a permit holder or trustee is required to file Form W-2G or a substantially equivalent form with the United States Internal Revenue Service for a person who is delinquent in child support, before payment of cash winnings from gambling games, the permit holder or trustee:

(1) may deduct and retain an administrative fee in the amount of the lesser of:

(A) three percent (3%) of the amount of delinquent child support withheld under subdivision (2)(A); or

(B) one hundred dollars ($100); and

(2) shall:

(A) withhold the amount of delinquent child support owed from the cash winnings;

(B) transmit to the bureau:

(i) the amount withheld for delinquent child support; and

(ii) identifying information, including the full name, address, and Social Security number of the obligor and the child support case identifier, the date and amount of the payment, and the name and location of the permit holder or trustee; and

(C) issue the obligor a receipt in a form prescribed by the bureau with the total amount withheld for delinquent child support and the administrative fee.

(c) The bureau shall notify the obligor at the address provided by the permit holder or trustee that the bureau intends to offset the obligor's delinquent child support with the cash winnings.

(d) The bureau shall hold the amount withheld from cash winnings of the obligor for ten (10) business days before applying the amount as payment to the obligor's delinquent child support.

(e) The delinquent child support required to be withheld under this section and an administrative fee described under subsection

(b)(1) have priority over any secured or unsecured claim on cash winnings except claims for federal or state taxes that are required to be withheld under federal or state law.
As added by P.L.80-2010, SEC.6.

IC 4-35-5

Chapter 5. Gambling Game License

IC 4-35-5-1

Maximum number of licenses

Sec. 1. The commission may issue a license to a permit holder to conduct gambling games under this article at the permit holder's racetrack. The number of licenses issued under this chapter may not exceed two (2).

As added by P.L.233-2007, SEC.21.

IC 4-35-5-2

Background investigation; approval of proposed gambling game facilities

Sec. 2. (a) Before issuing a license to a person under this chapter, the commission shall subject the person to a background investigation similar to a background investigation required for an applicant for a riverboat owner's license under IC 4-33-6.

(b) Before the commission may issue a license to a person under this chapter, the person must submit to the commission for the commission's approval the physical layout of the person's proposed gambling games and the facilities that will contain the proposed gambling games. The facilities that will contain the gambling games must be connected to the licensee's racetrack facilities.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.27.

IC 4-35-5-2.4

Factors considered in granting licenses

Sec. 2.4. In determining whether to grant a license under this chapter to an applicant, the commission shall consider the following:

(1) The character, reputation, experience, and financial integrity of the following:

(A) The applicant.

(B) A person that:

(i) directly or indirectly controls the applicant; or

(ii) is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.

(2) The facilities or proposed facilities for the conduct of gambling games. The facilities or proposed facilities must include capital expenditures of at least one hundred million dollars ($100,000,000).

(3) The prospective total revenue to be collected by the state from the conduct of gambling games.

(4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.

(5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
(6) If the applicant has adequate capitalization to provide and maintain facilities for gambling games for the duration of the license.
(7) The extent to which the applicant exceeds or meets other standards adopted by the commission.

As added by P.L.233-2007, SEC.21.

IC 4-35-5-2.5
Restrictions on issuance

Sec. 2.5. The commission may not issue a license under this chapter to a person if:
(1) the person has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States;
(2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;
(3) the person is a member of the commission;
(4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
(5) the person employs an individual who:
(A) is described in subdivision (1), (2), or (3); and
(B) participates in the management or operation of gambling games authorized under this article; or
(6) a license issued to the person:
(A) under this article; or
(B) to own or operate gambling facilities in another jurisdiction;
has been revoked.

As added by P.L.233-2007, SEC.21.

IC 4-35-5-2.6
Bond

Sec. 2.6. (a) A licensee under this chapter must post a bond with the commission at least sixty (60) days before the commencement of gambling games at the licensee's racetrack.
(b) The bond shall be furnished in:
(1) cash or negotiable securities;
(2) a surety bond:
(A) with a surety company approved by the commission; and
(B) guaranteed by a satisfactory guarantor; or
(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.
(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.
(d) The bond:

(1) is subject to the approval of the commission;

(2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with gambling games at the racetrack; and

(3) must be payable to the commission as obligee for use in payment of the licensee's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensee's bond is insufficient, the licensee shall upon written demand of the commission file a new bond.

(f) The commission may require a licensee to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, by payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the licensee's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit in which the racetrack is located.

(i) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond, and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(j) The commission may adopt rules authorizing the release of a bond under this section.

As added by P.L.233-2007, SEC.21.

IC 4-35-5-2.7

Revocation of license

Sec. 2.7. The commission may revoke a license under this chapter if:

(1) the licensee begins regular gambling game operations more than twelve (12) months after receiving the commission's approval of the application for the license; and

(2) the commission determines that the revocation of the license is in the best interests of Indiana.

As added by P.L.233-2007, SEC.21.

IC 4-35-5-2.8

License is not a property right

Sec. 2.8. A license to conduct gambling games:

(1) is a revocable privilege granted by the state; and

(2) is not a property right.

As added by P.L.233-2007, SEC.21.

IC 4-35-5-3

Initial license fee

Sec. 3. (a) A permit holder that is issued a gambling game license under this article must pay to the commission an initial licensing fee of two hundred fifty million dollars ($250,000,000) as follows:

(1) One hundred fifty million dollars ($150,000,000) payable before November 1, 2007.

(2) One hundred million dollars ($100,000,000) payable before November 1, 2008.

(b) The commission shall deposit any initial licensing fees collected under this section into the state general fund.

As added by P.L.233-2007, SEC.21. Amended by P.L.146-2008, SEC.19.

IC 4-35-5-4

Expiration of license; renewal

Sec. 4. (a) An initial gambling game license expires five (5) years after the effective date of the license. Unless the gambling game license is terminated or revoked, the gambling game license may be renewed annually thereafter upon:

(1) the payment of an annual renewal fee of one hundred dollars ($100) per slot machine operated by the licensee; and

(2) a determination by the commission that the licensee satisfies the conditions of this chapter.

Renewal fees paid under this section shall be deposited in the state general fund.

(b) Except as provided in subsection (c), an initial gaming license may not be transferred by the initial licensee for at least five (5) years after the effective date of the license.

(c) A gambling game license may be transferred for any of the following reasons:

(1) As a result of a bankruptcy, a receivership, or a debt adjustment initiated by or against the initial licensee or the substantial owners of the initial licensee.

(2) Because:

(A) the licensee's license has been cancelled, terminated, or revoked by the commission; or

(B) the commission determines that transferring the license is in the best interests of Indiana.

(3) Because of the death of a substantial owner of the initial licensee.

A transfer permitted under this subsection is subject to section 7 of

this chapter.
As added by P.L.233-2007, SEC.21. Amended by P.L.146-2008, SEC.20.

IC 4-35-5-4.5
Horse racing required of licensee

Sec. 4.5. A license issued under this article is null and void if the licensee fails to:

(1) obtain or maintain a permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana; or

(2) satisfy the requirements of IC 4-31 concerning the amount of live horse racing that the licensee must conduct at the licensee's racetrack.

As added by P.L.233-2007, SEC.21.

IC 4-35-5-5
Investigations

Sec. 5. (a) The commission shall conduct a complete investigation of each licensee every three (3) years to determine whether the licensee remains in compliance with this article.

(b) Notwithstanding subsection (a), the commission may investigate a licensee at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this article.

As added by P.L.233-2007, SEC.21.

IC 4-35-5-6
Costs of investigations

Sec. 6. A permit holder or other person investigated under this chapter shall bear the cost of the investigation.

As added by P.L.233-2007, SEC.21.

IC 4-35-5-7
Transfer of license; commission approval; fees

Sec. 7. (a) A licensee or any other person must apply for and receive the commission's approval before:

(1) a gambling game license is:

(A) transferred;

(B) sold; or

(C) purchased; or

(2) a voting trust agreement or other similar agreement is established with respect to the gambling game license.

(b) The commission shall adopt rules governing the procedure a licensee or other person must follow to take an action under subsection (a). The rules must specify that a person who obtains an ownership interest in a gambling game license must meet the criteria of this article and comply with the rules adopted by the commission.

A licensee may transfer a gambling game license only in accordance with this article and the rules adopted by the commission.

(c) A person may not:

(1) lease;

(2) hypothecate; or

(3) borrow or loan money against;

a gambling game license.

(d) Except as provided in subsection (e), a transfer fee is imposed on an initial licensee who sells or otherwise relinquishes a controlling interest, as determined under the rules of the commission, in a gambling game license. The amount of the fee is fifty million dollars ($50,000,000).

(e) The fee imposed by subsection (d) does not apply if:

(1) the gambling game license is transferred as a result of an event described in section 4(c) of this chapter; or

(2) the controlling interest in the gambling game license is transferred in a transaction in which no gain or loss is recognized as a result of the transaction in accordance with Section 351 of the Internal Revenue Code.

(f) The transfer of a gambling game license by a person other than the initial licensee to receive the gambling game license is not subject to a transfer fee.

As added by P.L.233-2007, SEC.21.

IC 4-35-5-8

Deposit of fees and recovered investigation costs

Sec. 8. Except as otherwise provided in this chapter, the commission shall transfer:

(1) fees collected under this chapter; and

(2) all investigation costs recovered under this chapter;

to the treasurer of state for deposit in the state general fund.

As added by P.L.233-2007, SEC.21.

IC 4-35-5-9

Submission of proposed power of attorney

Sec. 9. (a) A permit holder or an applicant for a gambling game license shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the permit holder's or applicant's trustee to conduct gambling games at a racetrack. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee; and

(3) conform with the requirements established by the commission under IC 4-35-4-2(a)(8).

(b) The proposed power of attorney required by this section must be submitted as follows:

(1) Before November 1, 2009, in the case of a permit holder who holds a gambling game license as of July 1, 2009.

(2) Before the deadline established by the commission, in the case of a person who applies for a gambling game license after December 31, 2008.

(c) A permit holder must petition the commission for its approval of any changes to a power of attorney approved by the commission.

As added by P.L.142-2009, SEC.22.

IC 4-35-6
Chapter 6. Slot Machine Suppliers

IC 4-35-6-1
Transactions requiring a supplier's license

Sec. 1. A person may not:
(1) sell;
(2) lease; or
(3) contract to sell or lease;

a slot machine, table game, limited mobile gaming system, or mobile gaming device to a licensee unless the person holds a supplier's license originally issued under IC 4-33-7-1 or renewed under IC 4-33-7-8.

As added by P.L.233-2007, SEC.21. Amended by P.L.142-2009, SEC.23; P.L.229-2013, SEC.32; P.L.255-2015, SEC.28.

IC 4-35-6-2
Repealed

(As added by P.L.233-2007, SEC.21. Repealed by P.L.142-2009, SEC.33.)

IC 4-35-6-3
Repealed

(As added by P.L.233-2007, SEC.21. Repealed by P.L.142-2009, SEC.33.)

IC 4-35-6-4
Repealed

(As added by P.L.233-2007, SEC.21. Repealed by P.L.142-2009, SEC.33.)

IC 4-35-6-5
Repealed

(As added by P.L.233-2007, SEC.21. Repealed by P.L.142-2009, SEC.33.)

IC 4-35-6-6
Repealed

(As added by P.L.233-2007, SEC.21. Repealed by P.L.142-2009, SEC.33.)

IC 4-35-6-7
Repealed

(As added by P.L.233-2007, SEC.21. Repealed by P.L.142-2009, SEC.33.)

IC 4-35-6-8
Repealed

(As added by P.L.233-2007, SEC.21. Repealed by P.L.142-2009, SEC.33.)

IC 4-35-6-9
Repealed
(As added by P.L.233-2007, SEC.21. Repealed by P.L.142-2009, SEC.33.)

IC 4-35-6-10
Repealed
(As added by P.L.233-2007, SEC.21. Repealed by P.L.142-2009, SEC.33.)

IC 4-35-6.5

Chapter 6.5. Licensing of Occupations

IC 4-35-6.5-1

Occupations requiring license

Sec. 1. The commission shall determine the occupations related to gambling games at racetracks that require a license under this chapter.

As added by P.L.233-2007, SEC.21.

IC 4-35-6.5-2

Occupational licenses; requirements; fees; duration; renewal; compliance investigations

Sec. 2. (a) The commission may issue an occupational license to an individual if:

(1) the individual has applied for the occupational license;

(2) a nonrefundable application fee set by the commission has been paid on behalf of the applicant in accordance with subsection (b);

(3) the commission has determined that the applicant is eligible for an occupational license; and

(4) an initial license fee in an amount established by the commission has been paid on behalf of the applicant in accordance with subsection (b).

(b) A permit holder that is an applicant for a license under this article or that is issued a license under this article or a holder of a supplier's license under this article shall pay the application fee of an individual applying for an occupational license to work:

(1) in an occupation related to gambling games at the permit holder's racetrack; or

(2) for the holder of a supplier's license.

A permit holder that is an applicant for a license under this article or that is issued a license under this article or a holder of a supplier's license under this article shall pay the initial occupational license fee or license renewal fee on behalf of an employee or potential employee. A permit holder that is an applicant for a license under this article or that is issued a license under this article or a holder of a supplier's license under this article may seek reimbursement of the application fee, initial license fee, or license renewal fee from an employee who is issued an occupational license.

(c) A license issued under this chapter is valid for one (1) year, two (2) years, or three (3) years after the date of issuance as determined by the commission.

(d) Unless an occupational license is suspended, expires, or is revoked, the occupational license may be renewed upon:

(1) the payment of a license renewal fee by the permit holder that is issued a license under this article or the holder of a supplier's license under this article on behalf of the licensee in

an amount established by the commission; and

(2) a determination by the commission that the licensee is in compliance with this article.

(e) The commission may investigate the holder of an occupational license at any time the commission determines it is necessary to ensure that the licensee is in compliance with this article.

(f) A permit holder that is an applicant for a license under this article or that is issued a license under this article or a holder of a supplier's license under this article:

(1) shall pay the cost of an investigation or reinvestigation of a holder of an occupational license who is employed by the permit holder or holder of a supplier's license; and

(2) may seek reimbursement of the cost of an investigation or reinvestigation from an employee who holds an occupational license.

As added by P.L.233-2007, SEC.21. Amended by P.L.142-2009, SEC.24.

IC 4-35-6.5-3
Qualifications

Sec. 3. Except as provided by section 11 of this chapter, the commission may not issue an occupational license to an individual unless the individual:

(1) is at least eighteen (18) years of age;

(2) has not been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States;

(3) has demonstrated a level of skill or knowledge that the commission determines is necessary to operate gambling games at racetracks; and

(4) has met standards adopted by the commission for the holding of an occupational license.

As added by P.L.233-2007, SEC.21.

IC 4-35-6.5-4
Management of slot machine operations

Sec. 4. The commission shall adopt rules under IC 4-22-2 providing the following:

(1) That an individual applying for an occupational license to manage gambling games at racetracks under this article is subject to background inquiries and requirements similar to those required for an applicant for a license under IC 4-33-6.

(2) That each individual applying for an occupational license may manage gambling games for only one (1) licensee.

As added by P.L.233-2007, SEC.21.

IC 4-35-6.5-5
Applications

Sec. 5. (a) An application for an occupational license must:

(1) be made on forms prescribed by the commission; and
(2) contain all information required by the commission.

(b) An applicant for an occupational license must provide the following information in the application:

(1) If the applicant has held other licenses relating to gambling.
(2) If the applicant has been licensed in any other state under any other name. The applicant must provide under this subdivision the name under which the applicant was licensed in the other state.
(3) The applicant's age.
(4) If a permit or license issued to the applicant in another state has been suspended, restricted, or revoked. The applicant must describe the date and length of a suspension, restriction, or revocation described in this subdivision.

As added by P.L.233-2007, SEC.21.

IC 4-35-6.5-6
Fingerprints

Sec. 6. An applicant for an occupational license must submit with the application two (2) sets of the applicant's fingerprints. The applicant must submit the fingerprints on forms provided by the commission. The commission shall charge each applicant a fee set by the state police department to defray the costs associated with the search and classification of the applicant's fingerprints.

As added by P.L.233-2007, SEC.21.

IC 4-35-6.5-7
Restrictions on issuance

Sec. 7. The commission may refuse to issue an occupational license to an individual who:

(1) is unqualified to perform the duties required of the applicant;
(2) does not disclose or states falsely any information required by the application;
(3) has been found guilty of a violation of this article;
(4) has had a gambling related license or an application for a gambling related license suspended, restricted, revoked, or denied for just cause in another state; or
(5) for just cause is considered by the commission to be unfit to hold an occupational license.

As added by P.L.233-2007, SEC.21.

IC 4-35-6.5-8
Suspension, revocation, or restriction of licensee

Sec. 8. The commission may suspend, revoke, or restrict an occupational license for the following reasons:

(1) A violation of this article.
(2) A cause that, if known to the commission, would have

disqualified the applicant from receiving the occupational license.

(3) A default in the payment of an obligation or a debt due to the state.

(4) Any other just cause.

As added by P.L.233-2007, SEC.21. Amended by P.L.3-2008, SEC.15.

IC 4-35-6.5-9

Schools for training occupational licensees

Sec. 9. (a) This article does not prohibit a permit holder that is issued a license from entering into an agreement with a school approved by the commission for the training of an occupational licensee.

(b) Training offered by a school described in subsection (a) must be:

(1) in accordance with a written agreement between the licensee and the school; and

(2) approved by the commission.

As added by P.L.233-2007, SEC.21.

IC 4-35-6.5-10

Training locations

Sec. 10. Training provided for occupational licensees may be conducted:

(1) at a racetrack; or

(2) at a school with which a licensee has entered into an agreement under section 9 of this chapter.

As added by P.L.233-2007, SEC.21.

IC 4-35-6.5-11

Convicted felons; rehabilitation; waiver

Sec. 11. (a) An individual who is disqualified under section 3(2) of this chapter due to a conviction for a felony may apply to the commission for a waiver of the requirements of section 3(2) of this chapter.

(b) The commission may waive the requirements of section 3(2) of this chapter with respect to an individual applying for an occupational license if:

(1) the individual qualifies for a waiver under subsection (e) or (f); and

(2) the commission determines that the individual has demonstrated by clear and convincing evidence the individual's rehabilitation.

(c) In determining whether the individual applying for the occupational license has demonstrated rehabilitation under subsection (b), the commission shall consider the following factors:

(1) The nature and duties of the position applied for by the

individual.

(2) The nature and seriousness of the offense or conduct.

(3) The circumstances under which the offense or conduct occurred.

(4) The date of the offense or conduct.

(5) The age of the individual when the offense or conduct was committed.

(6) Whether the offense or conduct was an isolated or a repeated incident.

(7) A social condition that may have contributed to the offense or conduct.

(8) Evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational education, successful participation in a correctional work release program, or the recommendation of a person who has or has had the individual under the person's supervision.

(9) The complete criminal record of the individual.

(10) The prospective employer's written statement that:

(A) the employer has been advised of all of the facts and circumstances of the individual's criminal record; and

(B) after having considered the facts and circumstances, the prospective employer will hire the individual if the commission grants a waiver of the requirements of section 3(2) of this chapter.

(d) The commission may not waive the requirements of section 3(2) of this chapter for an individual who has been convicted of committing any of the following:

(1) A felony in violation of federal law (as classified in 18 U.S.C. 3559).

(2) A felony of fraud, deceit, or misrepresentation under the laws of Indiana or any other jurisdiction.

(3) A felony of conspiracy to commit a felony described in subdivision (1), (2), or (4) under the laws of Indiana or any other jurisdiction.

(4) A felony of gambling under IC 35-45-5 or IC 35-45-6 or a crime in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a crime described in IC 35-45-5 or IC 35-45-6.

(e) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted of committing:

(A) a felony described in IC 35-42 against another human being or a felony described in IC 35-48-4;

(B) a felony under Indiana law that results in bodily injury, serious bodily injury, or death to another human being; or

(C) a crime in any other jurisdiction in which the elements

of the crime for which the conviction was entered are substantially similar to the elements of a felony described in clause (A) or (B); and

(2) ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(f) The commission may waive the requirements of section 3(2) of this chapter for an individual if:

(1) the individual has been convicted in Indiana or any other jurisdiction of committing a felony not described in subsection (d) or (e); and

(2) five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later, for the conviction described in subdivision (1).

(g) To enable a prospective employer to determine, for purposes of subsection (c)(10), whether the prospective employer has been advised of all of the facts and circumstances of the individual's criminal record, the commission shall notify the prospective employer of all information that the commission:

(1) has obtained concerning the individual; and

(2) is authorized to release under IC 5-14.

(h) The commission shall deny the individual's request to waive the requirements of section 3(2) of this chapter if the individual fails to disclose to both the commission and the prospective employer all information relevant to this section.

As added by P.L.233-2007, SEC.21.

IC 4-35-6.5-12

Sanctions and penalties for failure to withhold delinquent child support; immunity from liability

Sec. 12. (a) A permit holder or trustee that fails to comply with IC 4-35-4-16 is subject to sanctions established by the commission under section 13 of this chapter.

(b) A permit holder or trustee that makes a payment of cash winnings to an obligor in violation of IC 4-35-4-16 is not liable to a person to whom the obligor owes child support.

(c) A permit holder or trustee is immune from civil and criminal liability for acting in compliance with IC 4-35-4-16.

As added by P.L.80-2010, SEC.7.

IC 4-35-6.5-13

Sanctions and penalties for failure to withhold delinquent child support

Sec. 13. (a) A permit holder or trustee that personally or through the act or omission of an employee, independent contractor, agent, or representative fails to withhold delinquent child support from the cash winnings of an obligor as required under IC 4-35-4-16 is subject to penalties and sanctions established by the commission under this

section.

(b) The commission may adopt rules under IC 4-22-2 to establish penalties and sanctions for any permit holder or trustee who fails to withhold delinquent child support from cash winnings.

As added by P.L.80-2010, SEC.8.

IC 4-35-6.7

Chapter 6.7. Suspension, Probation, and Denial of Licenses for Failure to Pay Child Support

IC 4-35-6.7-1

Duties of commission upon receipt of support order; reinstatement

Sec. 1. (a) Upon receiving an order of a court issued under IC 31-16-12-9 (or IC 31-14-12-6 before its repeal), the commission shall:

(1) suspend a license issued under this article to a person who is the subject of the order; and

(2) promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(A) That the person's license is suspended beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate not earlier than ten (10) business days after the commission receives an order allowing reinstatement from the court that issued the suspension order.

(B) That the person has the right to petition for reinstatement of a license issued under this chapter to the court that issued the order for suspension.

(b) The commission shall not reinstate a license suspended under subsection (a) until the commission receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L.80-2010, SEC.9. Amended by P.L.207-2013, SEC.4.

IC 4-35-6.7-2

Notice; probationary status; appeal; reinstatement

Sec. 2. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h), the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the commission shall place the person on probationary status with respect to any license issued to the person under this chapter.

(3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after

the date the notice is mailed.

(4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.

(5) Explains the procedures to:

(A) pay the person's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and

(C) request a hearing under IC 31-25-4-33.

(6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(c), the commission shall send to the person who is the subject of the order a notice that states the following:

(1) That a license issued to the person under this article has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:

(A) paid the person's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:

(A) pay the person's child support arrearage in full; or

(B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

(1) pay the person's child support arrearage in full; or

(2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed, the commission shall suspend the person's license.

(d) The commission may not reinstate a license placed on

probation or suspended under this section until the commission receives a notice from the bureau that the person has:

(1) paid the person's child support arrearage in full; or

(2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5, as required by IC 4-35-4-16.

As added by P.L.80-2010, SEC.9.

IC 4-35-7

Chapter 7. Conduct of Gambling Games at Racetracks

IC 4-35-7-1

Gambling games authorized at racetracks

Sec. 1. Gambling games authorized under this article may not be conducted anywhere other than a gambling game facility located at a racetrack.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.29.

IC 4-35-7-1.5

Approval of limited mobile gaming systems

Sec. 1.5. (a) A licensee may request approval from the commission to use a limited mobile gaming system in the gambling operations of the licensee.

(b) The commission may approve the use of a limited mobile gaming system to allow a patron to wager on gambling games while present in the gaming area (as defined under the rules of the commission) of a gambling game facility licensed under this article. A patron may not transmit a wager using a mobile gaming device while present in any other location.

As added by P.L.229-2013, SEC.33. Amended by P.L.255-2015, SEC.30.

IC 4-35-7-2

Age restrictions

Sec. 2. (a) A person who is less than twenty-one (21) years of age may not wager under this article.

(b) Except as provided in subsection (c), a person who is less than twenty-one (21) years of age may not be present in the area of a racetrack where gambling games are conducted.

(c) A person who is at least eighteen (18) years of age and who is an employee of the racetrack may be present in the area of the racetrack where gambling games are conducted. However, an employee who is less than twenty-one (21) years of age may not perform any function involving gambling by the patrons of the licensee's gambling game facility.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.31.

IC 4-35-7-3

Minimum and maximum wagers

Sec. 3. Minimum and maximum wagers on gambling games shall be determined by the licensee.

As added by P.L.233-2007, SEC.21.

IC 4-35-7-4

Inspections

Sec. 4. The following may inspect a licensee's gambling game facility at any time to determine if this article is being violated:

(1) Employees of the commission.

(2) Officers of the state police department.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.32.

IC 4-35-7-5

Presence of commission employees

Sec. 5. Employees of the commission have the right to be present in a licensee's gambling game facility.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.33.

IC 4-35-7-6

Purchase or lease of gambling equipment

Sec. 6. Gambling equipment and supplies customarily used in conducting gambling games may be purchased or leased only from a supplier licensed under IC 4-33-7.

As added by P.L.233-2007, SEC.21. Amended by P.L.229-2013, SEC.34; P.L.255-2015, SEC.34.

IC 4-35-7-7

Permitted forms of wagering

Sec. 7. Except as provided in sections 14 and 19 of this chapter, slot machine wagering is the only form of wagering permitted in a licensee's slot machine facility.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.35.

IC 4-35-7-8

Presence required for wagering

Sec. 8. Wagers may be received only from a person present in a licensee's gambling game facility. A person present in a licensee's gambling game facility may not place or attempt to place a wager on behalf of a person who is not present in the licensee's gambling game facility.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.36.

IC 4-35-7-9

Permitted means of wagering

Sec. 9. (a) A patron may make a gambling game wager at a racetrack only by means of:

(1) a chip, a token, or an electronic card, acquired from a licensee at the licensee's racetrack; or

(2) money or other negotiable currency.

(b) A chip, a token, or an electronic card may be acquired by means of an agreement under which a licensee extends credit to the patron.

(c) All winnings and payoffs from a gambling game at a racetrack:

(1) must be made in chips, tokens, electronic cards, paper tickets, or other evidence of winnings and payoffs approved by the commission; and

(2) may not be made in money or other negotiable currency.

As added by P.L.233-2007, SEC.21. Amended by P.L.229-2013, SEC.35; P.L.255-2015, SEC.37.

IC 4-35-7-10

Use of tokens and electronic cards

Sec. 10. A chip, a token, or an electronic card described in section 9 of this chapter may be used by a patron while the patron is present at the racetrack only to make a wager on a gambling game authorized under this article.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.38.

IC 4-35-7-11

Commission approval required to exceed 2,000 slot machines; number of gambling games permitted to be offered

Sec. 11. (a) Before January 2, 2021, a licensee may not install more than two thousand (2,000) slot machines on the premises of the licensee's racetrack without the approval of the commission.

(b) After January 1, 2021, a licensee may not offer more than two thousand two hundred (2,200) gambling games on the premises of a licensee's racetrack.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.39.

IC 4-35-7-12

Mandatory support for the horse racing industry; allocation among breeds; regulatory oversight

Sec. 12. (a) The Indiana horse racing commission shall enforce the requirements of this section.

(b) A licensee shall before the fifteenth day of each month distribute the following amounts for the support of the Indiana horse racing industry:

(1) An amount equal to fifteen percent (15%) of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee with respect to adjusted gross receipts received after June 30, 2013, and before January 1, 2014.

(2) The percentage of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee that is determined under section 16 or

17 of this chapter with respect to adjusted gross receipts received after December 31, 2013, and before July 1, 2015.

(3) Subject to section 12.5 of this chapter, the percentage of the adjusted gross receipts of the gambling game wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after June 30, 2015.

(c) The Indiana horse racing commission may not use any of the money distributed under this section for any administrative purpose or other purpose of the Indiana horse racing commission.

(d) A licensee shall distribute the money devoted to horse racing purses and to horsemen's associations under this subsection as follows:

(1) Five-tenths percent (0.5%) shall be transferred to horsemen's associations for equine promotion or welfare according to the ratios specified in subsection (g).

(2) Two and five-tenths percent (2.5%) shall be transferred to horsemen's associations for backside benevolence according to the ratios specified in subsection (g).

(3) Ninety-seven percent (97%) shall be distributed to promote horses and horse racing as provided in subsection (f).

(e) A horsemen's association shall expend the amounts distributed to the horsemen's association under subsection (d)(1) through (d)(2) for a purpose promoting the equine industry or equine welfare or for a benevolent purpose that the horsemen's association determines is in the best interests of horse racing in Indiana for the breed represented by the horsemen's association. Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(f) A licensee shall distribute the amounts described in subsection (d)(3) as follows:

(1) Forty-six percent (46%) for thoroughbred purposes as follows:

(A) Fifty-five percent (55%) for the following purposes:

(i) Ninety-seven percent (97%) for thoroughbred purses.

(ii) Two and four-tenths percent (2.4%) to the horsemen's association representing thoroughbred owners and trainers.

(iii) Six-tenths percent (0.6%) to the horsemen's association representing thoroughbred owners and breeders.

(B) Forty-five percent (45%) to the breed development fund established for thoroughbreds under IC 4-31-11-10.

(2) Forty-six percent (46%) for standardbred purposes as follows:

(A) Three hundred seventy-five thousand dollars ($375,000) to the state fair commission to be used by the state fair commission to support standardbred racing and facilities at the state fairgrounds.

(B) One hundred twenty-five thousand dollars ($125,000) to the state fair commission to be used by the state fair commission to make grants to county fairs and the department of parks and recreation in Johnson County to support standardbred racing and facilities at county fair and county park tracks. The state fair commission shall establish a review committee to include the standardbred association board, the Indiana horse racing commission, the Indiana county fair association, and a member of the board of directors of a county park established under IC 36-10 that provides or intends to provide facilities to support standardbred racing, to make recommendations to the state fair commission on grants under this clause. A grant may be provided to the Johnson County fair or department of parks and recreation under this clause only if the county fair or department provides matching funds equal to one dollar ($1) for every three dollars ($3) of grant funds provided.

(3) Eight percent (8%) for quarter horse purposes as follows:

(A) Seventy percent (70%) for the following purposes:

(i) Ninety-five percent (95%) for quarter horse purses.

(ii) Five percent (5%) to the horsemen's association representing quarter horse owners and trainers.

(B) Thirty percent (30%) to the breed development fund established for quarter horses under IC 4-31-11-10.

Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(g) Money distributed under subsection (d)(1) and (d)(2) shall be allocated as follows:

(1) Forty-six percent (46%) to the horsemen's association representing thoroughbred owners and trainers.

(2) Forty-six percent (46%) to the horsemen's association representing standardbred owners and trainers.

(3) Eight percent (8%) to the horsemen's association representing quarter horse owners and trainers.

(h) Money distributed under this section may not be expended unless the expenditure is for a purpose authorized in this section and is either for a purpose promoting the equine industry or equine welfare or is for a benevolent purpose that is in the best interests of horse racing in Indiana or the necessary expenditures for the operations of the horsemen's association required to implement and fulfill the purposes of this section. The Indiana horse racing commission may review any expenditure of money distributed under this section to ensure that the requirements of this section are satisfied. The Indiana horse racing commission shall adopt rules concerning the review and oversight of money distributed under this section and shall adopt rules concerning the enforcement of this section. The following apply to a horsemen's association receiving a distribution of money under this section:

(1) The horsemen's association must annually file a report with the Indiana horse racing commission concerning the use of the money by the horsemen's association. The report must include information as required by the commission.

(2) The horsemen's association must register with the Indiana horse racing commission.

The state board of accounts shall audit the accounts, books, and records of the Indiana horse racing commission, each horsemen's association, a licensee, and any association for backside benevolence containing any information relating to the distribution of money under this section.

(i) The commission shall provide the Indiana horse racing commission with the information necessary to enforce this section.

(j) The Indiana horse racing commission shall investigate any complaint that a licensee has failed to comply with the horse racing purse requirements set forth in this section. If, after notice and a hearing, the Indiana horse racing commission finds that a licensee has failed to comply with the purse requirements set forth in this section, the Indiana horse racing commission may:

(1) issue a warning to the licensee;

(2) impose a civil penalty that may not exceed one million dollars ($1,000,000); or

(3) suspend a meeting permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana.

(k) A civil penalty collected under this section must be deposited in the state general fund.

As added by P.L.233-2007, SEC.21. Amended by P.L.146-2008, SEC.21; P.L.142-2009, SEC.25; P.L.229-2011, SEC.60; P.L.210-2013, SEC.13; P.L.181-2015, SEC.6; P.L.213-2015, SEC.52; P.L.255-2015, SEC.40; P.L.256-2015, SEC.9; P.L.122-2016, SEC.1.

IC 4-35-7-12.5

Annual transfer by licensee to the gaming integrity fund for taking and analyzing equine specimens

Sec. 12.5. (a) This section applies to adjusted gross receipts received after June 30, 2015.

(b) A licensee shall annually withhold the product of:

(1) seventy-five thousand dollars ($75,000); multiplied by

(2) the number of racetracks operated by the licensee;

from the amount that must be distributed under section 12(b)(3) of this chapter.

(c) A licensee shall transfer the amount withheld under subsection (b) to the Indiana horse racing commission for deposit in the gaming integrity fund established by IC 4-35-8.7-3. Money transferred under this subsection must be used for the purposes described in IC 4-35-8.7-3(f)(1).

As added by P.L.213-2015, SEC.53.

IC 4-35-7-13
Restrictions on money distributed to horsemen's associations

Sec. 13. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this article.

(b) As used in this section, "candidate" refers to any of the following:

(1) A candidate for a state office.
(2) A candidate for a legislative office.
(3) A candidate for a local office.

(c) As used in this section, "committee" refers to any of the following:

(1) A candidate's committee.
(2) A regular party committee.
(3) A committee organized by a legislative caucus of the house of the general assembly.
(4) A committee organized by a legislative caucus of the senate of the general assembly.

(d) Money distributed to a horsemen's association under section 12 of this chapter may not be used for any of the following purposes:

(1) To make a contribution to a candidate or a committee.
(2) For lobbying (as defined in IC 2-7-1-9).

As added by P.L.233-2007, SEC.21. Amended by P.L.95-2008, SEC.12.

IC 4-35-7-14
Pari-mutuel wagering on horse racing permitted in slot machine facilities

Sec. 14. The commission may not prohibit a licensee from allowing pari-mutuel wagering (as defined in IC 4-31-2-12) at the facility at which gambling games are conducted under this article.
As added by P.L.233-2007, SEC.21.

IC 4-35-7-15
Mandatory distributions to the gaming integrity fund

Sec. 15. (a) This section applies to slot machine wagering occurring after June 30, 2013.

(b) For each casino operated under this article, a licensee shall on July 15 of each year pay two hundred fifty thousand dollars ($250,000) to the Indiana horse racing commission for deposit in the gaming integrity fund established by IC 4-35-8.7-3.
As added by P.L.210-2013, SEC.14.

IC 4-35-7-16
Negotiation of distribution agreement

Sec. 16. (a) The amount of gambling game revenue that must be distributed under section 12(b)(3) of this chapter must be determined in a distribution agreement entered into by negotiation committees representing all licensees and the horsemen's associations having

contracts with licensees that have been approved by the Indiana horse racing commission.

(b) Each horsemen's association shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there is an even number of horsemen's associations appointing representatives to the committee, the members appointed by each horsemen's association shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the horsemen's associations. The at-large member is entitled to the same rights and privileges of the members appointed by the horsemen's associations.

(c) Each licensee shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there is an even number of licensees, the members appointed by each licensee shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the licensees. The at-large member is entitled to the same rights and privileges of the members appointed by the licensees.

(d) If a majority of the members of each negotiation committee is present, the negotiation committees may negotiate and enter into a distribution agreement binding all horsemen's associations and all licensees as required by subsection (a).

(e) The initial distribution agreement entered into by the negotiation committees:

(1) must be in writing;

(2) must be submitted to the Indiana horse racing commission before October 1, 2013;

(3) must be approved by the Indiana horse racing commission before January 1, 2014; and

(4) may contain any terms determined to be necessary and appropriate by the negotiation committees, subject to subsection (f) and section 12 of this chapter.

(f) A distribution agreement must provide that at least ten percent (10%) and not more than twelve percent (12%) of a licensee's adjusted gross receipts must be distributed under section 12(b)(3) of this chapter. A distribution agreement applies to adjusted gross receipts received by the licensee after December 31 of the calendar year in which the distribution agreement is approved by the Indiana horse racing commission.

(g) A distribution agreement may expire on December 31 of a particular calendar year if a subsequent distribution agreement will take effect on January 1 of the following calendar year. A subsequent distribution agreement:

(1) is subject to the approval of the Indiana horse racing commission; and

(2) must be submitted to the Indiana horse racing commission before October 1 of the calendar year preceding the calendar year in which the distribution agreement will take effect.

(h) The Indiana horse racing commission shall annually report to the budget committee on the effect of each distribution agreement on the Indiana horse racing industry before January 1 of the following calendar year.

As added by P.L.210-2013, SEC.15. Amended by P.L.255-2015, SEC.41.

IC 4-35-7-17

Approval of distribution agreement; commission determined distribution amount in absence of a distribution agreement

Sec. 17. (a) Subject to subsection (b), if:

(1) a distribution agreement is not submitted to the Indiana horse racing commission before the deadlines imposed by section 16 of this chapter; or

(2) the Indiana horse racing commission is unable to approve a distribution agreement;

the Indiana horse racing commission shall determine the percentage of a licensee's adjusted gross receipts that must be distributed under section 12(b)(2) of this chapter.

(b) The Indiana horse racing commission shall give the negotiation committees an opportunity to correct any deficiencies in a proposed distribution agreement before making a determination of the applicable percentage under subsection (a).

(c) The Indiana horse racing commission shall consider the factors used to evaluate a distribution agreement under section 18 of this chapter when making a determination under subsection (a).

As added by P.L.210-2013, SEC.16.

IC 4-35-7-18

Criteria for evaluating distribution agreement or for establishing a distribution amount

Sec. 18. The Indiana horse racing commission shall evaluate any proposed distribution agreement submitted under section 16 of this chapter using the following criteria:

(1) The best interests of pari-mutuel horse racing in Indiana.

(2) Maintenance of the highest standards and greatest level of integrity.

(3) Fairness to all parties.

(4) The financial stability of licensees.

(5) Any other factor considered relevant by the Indiana horse racing commission.

As added by P.L.210-2013, SEC.17.

IC 4-35-7-19

Commission approval for wagering on table games

Sec. 19. (a) After March 1, 2021, and before June 30, 2021, a licensee may submit a plan to the commission for conducting wagering on table games at the licensee's gambling game facility.

The commission shall consider a plan submitted under this subsection within forty-five (45) days of receiving the plan.

(b) In making its determination to authorize wagering on table games, the commission shall consider the potential:

(1) economic benefits;

(2) tax revenue;

(3) number of new jobs; and

(4) capital investments;

that could occur if the commission authorizes wagering on table games based on a plan submitted under subsection (a).

(c) After considering a plan submitted under subsection (a) and the criteria described in subsection (b), the commission may authorize wagering on table games at the licensee's gambling game facility.

(d) A licensee may not:

(1) install more gambling games than the number of gambling games proposed in the table game plan submitted to the commission; and

(2) offer more than two thousand two hundred (2,200) gambling games as provided under section 11(b) of this chapter.

As added by P.L.255-2015, SEC.42.

IC 4-35-8

Chapter 8. Taxation of Slot Machine Wagering

IC 4-35-8-1

Graduated wagering tax imposed

Sec. 1. (a) A graduated slot machine wagering tax is imposed as follows on ninety-nine percent (99%) of the adjusted gross receipts received after June 30, 2012, and before July 1, 2013, on ninety-one and five-tenths percent (91.5%) of the adjusted gross receipts received after June 30, 2013, and before July 1, 2015, and on eighty-eight percent (88%) of the adjusted gross receipts received after June 30, 2015, from wagering on gambling games authorized by this article:

(1) Twenty-five percent (25%) of the first one hundred million dollars ($100,000,000) of adjusted gross receipts received during the period beginning July 1 of each year and ending June 30 of the following year.

(2) Thirty percent (30%) of the adjusted gross receipts in excess of one hundred million dollars ($100,000,000) but not exceeding two hundred million dollars ($200,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(3) Thirty-five percent (35%) of the adjusted gross receipts in excess of two hundred million dollars ($200,000,000) received during the period beginning July 1 of each year and ending June 30 of the following year.

(b) A licensee shall remit the tax imposed by this section to the department before the close of the business day following the day the wagers are made.

(c) The department may require payment under this section to be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

(d) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensee to file a monthly report to reconcile the amounts remitted to the department.

(e) The payment of the tax under this section must be on a form prescribed by the department.

As added by P.L.233-2007, SEC.21. Amended by P.L.172-2011, SEC.10; P.L.205-2013, SEC.72; P.L.210-2013, SEC.18; P.L.255-2015, SEC.43.

IC 4-35-8-2

Repealed

(As added by P.L.233-2007, SEC.21. Repealed by P.L.146-2008, SEC.813.)

IC 4-35-8-3

Deposits into state general fund

Sec. 3. The department shall deposit tax revenue collected under section 1 of this chapter in the state general fund.
As added by P.L.233-2007, SEC.21. Amended by P.L.146-2008, SEC.22.

IC 4-35-8-4
Repealed
(As added by P.L.233-2007, SEC.21. Repealed by P.L.146-2008, SEC.813.)

IC 4-35-8-5
Deductions for qualified wagering
Sec. 5. (a) This section applies to adjusted gross receipts from wagering on gambling games that occurs after the effective date of this section, as added by SEA 528-2013.

(b) As used in this section, "qualified wagering" refers to wagers made by patrons using noncashable vouchers, coupons, electronic credits, or electronic promotions provided by the licensee.

(c) Subject to subsection (d), a licensee may at any time during the state fiscal year deduct from the adjusted gross receipts reported by the licensee the adjusted gross receipts attributable to qualified wagering. A licensee must take a deduction under this section on a form and in the manner prescribed by the department.

(d) A licensee may not deduct more than the following amounts in a particular state fiscal year:

(1) Two million five hundred thousand dollars ($2,500,000) in a state fiscal year ending before July 1, 2013.

(2) Five million dollars ($5,000,000) in a state fiscal year beginning after June 30, 2013. and ending before July 1, 2015.

(3) Seven million dollars ($7,000,000) in a state fiscal year beginning after June 30, 2015.

(e) Deductions under this section also apply to a licensee's adjusted gross receipts for purposes of the following statutes:

(1) IC 4-35-7-12.

(2) IC 4-35-8.5.

(3) IC 4-35-8.9.

(f) A licensee may for a state fiscal year assign all or part of the amount of the deduction under this section that is not claimed by the licensee for the state fiscal year to another licensee, a licensed owner as defined by IC 4-33-2-13, or an operating agent as defined by IC 4-33-2-14.5. An assignment under this subsection must be in writing and both the licensee assigning the deduction and the licensee, licensed owner as defined by IC 4-33-2-13, or operating agent as defined by IC 4-33-2-14.5, to which the deduction is assigned shall report the assignment to the commission and to the department. The maximum amount that may be assigned under this subsection by a licensee for a state fiscal year is equal to the result of:

(1) seven million dollars ($7,000,000); minus

(2) the amount deducted under this subsection by the licensee for the state fiscal year.

As added by P.L.229-2013, SEC.36. Amended by P.L.255-2015, SEC.44.

IC 4-35-8.3

Chapter 8.3. Historic Hotel District Community Support Fee

IC 4-35-8.3-1

Application

Sec. 1. This chapter applies to a state fiscal year beginning after June 30, 2015.

As added by P.L.255-2015, SEC.45.

IC 4-35-8.3-2

Historic hotel district community support fee

Sec. 2. Before October 1 of each year, a licensee shall pay to the department an annual historic hotel district community support fee equal to:

(1) one million two hundred fifty thousand dollars ($1,250,000); multiplied by

(2) the number of gambling game facilities operated by the licensee under this article.

As added by P.L.255-2015, SEC.45.

IC 4-35-8.3-3

Deposit of fee

Sec. 3. The department shall deposit the fees received under section 2 of this chapter in the state general fund.

As added by P.L.255-2015, SEC.45.

IC 4-35-8.3-4

Distribution of fees

Sec. 4. Before December 1 of each year, the auditor of state shall distribute an amount equal to the fees deposited in that year under section 3 of this chapter to communities and schools located near a historic hotel district and the Indiana economic development corporation as follows:

(1) Twenty-two and four-tenths percent (22.4%) to be paid as follows:

(A) Fifty percent (50%) to the fiscal officer of the town of French Lick.

(B) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(2) Fourteen and eight-tenths percent (14.8%) to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this subdivision among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this subdivision must be used to improve the educational attainment

of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this subdivision, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this subdivision were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(3) Thirteen and one-tenth percent (13.1%) to the county treasurer of Orange County.

(4) Five and three-tenths percent (5.3%) to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of the money received under this subdivision to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(5) Five and three-tenths percent (5.3%) to the county treasurer of Crawford County for appropriation by the county fiscal body. The county fiscal body shall provide for the distribution of the money received under this subdivision to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(6) Six and thirty-five hundredths percent (6.35%) to the fiscal officer of the town of Paoli.

(7) Six and thirty-five hundredths percent (6.35%) to the fiscal officer of the town of Orleans.

(8) Twenty-six and four-tenths percent (26.4%) to the Indiana economic development corporation for transfer to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities. However if the amount distributed under IC 4-33-13-5(b)(2)(H) to the Orange County development commission is insufficient to meet the obligations described in IC 4-33-13-5(b)(2)(H), an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under IC 4-33-13-5 were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the

amount payable to Radius Indiana or its successor entity or partnership.

As added by P.L.255-2015, SEC.45. Amended by P.L.149-2016, SEC.13.

IC 4-35-8.3-5

Distributions to political subdivisions

Sec. 5. (a) Money distributed to a political subdivision under section 4 of this chapter:

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

(2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in section 4(2) of this chapter, may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;

(3) except as provided in section 4(2) of this chapter, may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(b) Money distributed under section 4(2) of this chapter must be used for the purposes specified in section 4(2) of this chapter.

As added by P.L.255-2015, SEC.45. Amended by P.L.149-2016, SEC.14.

IC 4-35-8.5

Chapter 8.5. County Slot Machine Wagering Fee

IC 4-35-8.5-1

County gambling game wagering fee imposed

Sec. 1. (a) Before the fifteenth day of each month, a licensee that offers gambling game wagering under this article shall pay to the commission a county gambling game wagering fee equal to three percent (3%) of the adjusted gross receipts received from gambling game wagering during the previous month at the licensee's racetrack. However, a licensee is not required to pay more than eight million dollars ($8,000,000) of county gambling game wagering fees under this section in any state fiscal year.

(b) The commission shall deposit the county gambling game wagering fee received by the commission into a separate account within the state general fund.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.46.

IC 4-35-8.5-2

Distribution of county gambling game wagering fees

Sec. 2. Before the fifteenth day of each month, the treasurer of state shall distribute any county gambling game wagering fees received from a licensee during the previous month to the county auditor of the county in which the licensee's racetrack is located.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.47.

IC 4-35-8.5-3

Allocation of county gambling game wagering fees

Sec. 3. The auditor of each county receiving a distribution of county gambling game wagering fees under section 2 of this chapter shall distribute the county gambling game wagering fees as follows:

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

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

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

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.48.

IC 4-35-8.5-4

Use of county slot machine wagering fees

Sec. 4. (a) As used in this section, "political subdivision" means a county, city, or town.

(b) Money paid to a political subdivision under this chapter:

(1) must be paid to the fiscal officer of the political subdivision

and must be deposited in the political subdivision's general fund;

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

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

(4) is considered miscellaneous revenue.

As added by P.L.233-2007, SEC.21.

IC 4-35-8.7

Chapter 8.7. Gaming Integrity Fee

IC 4-35-8.7-1

"Fund"

Sec. 1. As used in this chapter, "fund" means the gaming integrity fund established by section 3 of this chapter.

As added by P.L.233-2007, SEC.21.

IC 4-35-8.7-2

Gaming integrity fee imposed

Sec. 2. A licensee that offers wagering on gambling games under this article shall annually pay to the Indiana horse racing commission a gaming integrity fee equal to two hundred fifty thousand dollars ($250,000) for each racetrack at which the licensee offers wagering on gambling games. The Indiana horse racing commission shall deposit gaming integrity fees in the fund.

As added by P.L.233-2007, SEC.21. Amended by P.L.142-2009, SEC.26; P.L.255-2015, SEC.49.

IC 4-35-8.7-3

Gaming integrity fund; uses of money in the fund

Sec. 3. (a) The gaming integrity fund is established.

(b) The fund shall be administered by the Indiana horse racing commission.

(c) The fund consists of gaming integrity fees deposited in the fund under this chapter and money distributed to the fund under IC 4-35-7-12.5 and IC 4-35-7-15. Fifteen percent (15%) of the money deposited in the fund shall be transferred to the Indiana state board of animal health to be used by the state board to pay the costs associated with equine health and equine care programs under IC 15-17.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund may be used by the Indiana horse racing commission only for the following purposes:

(1) To pay the cost of taking and analyzing equine specimens under IC 4-31-12-6(b) or another law or rule and the cost of any supplies related to the taking or analysis of specimens.

(2) To pay dues to the Drug Testing Standards and Practices (DTSP) Committee of the Association of Racing Commissioners International.

(3) To provide grants for research for the advancement of equine drug testing. Grants under this subdivision must be approved by the Drug Testing Standards and Practices (DTSP)

Committee of the Association of Racing Commissioners International or by the Racing Mediation and Testing Consortium.

(4) To pay the costs of post-mortem examinations under IC 4-31-12-10.

(5) To pay other costs incurred by the commission to maintain the integrity of pari-mutuel racing.

As added by P.L.233-2007, SEC.21. Amended by P.L.142-2009, SEC.27; P.L.229-2011, SEC.61; P.L.213-2015, SEC.54; P.L.149-2016, SEC.15.

IC 4-35-8.8

Chapter 8.8. Problem Gambling Fees

IC 4-35-8.8-1

"Division"

Sec. 1. As used in this chapter, "division" refers to the division of mental health and addiction.

As added by P.L.233-2007, SEC.21.

IC 4-35-8.8-2

Problem gambling fee imposed

Sec. 2. A licensee that offers slot machine wagering at racetracks under this article shall annually pay to the commission a problem gambling fee equal to five hundred thousand dollars ($500,000) for each racetrack at which the licensee offers slot machine wagering. The commission shall annually retain two hundred fifty thousand dollars ($250,000) from the total amount paid under this section for the commission's own efforts at preventing and treating compulsive gambling. The commission shall transfer the remaining seven hundred fifty thousand dollars ($750,000) received each year to the division.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.50.

IC 4-35-8.8-3

Use of problem gambling fees

Sec. 3. The division may use problem gambling fees received by the division under this chapter only for the prevention and treatment of compulsive gambling that is related to gambling allowed under this article and IC 4-33.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.51.

IC 4-35-8.8-4

Problem gambling fees are in addition to riverboat admissions taxes used by the division for the prevention and treatment of compulsive gambling

Sec. 4. The problem gambling fees used by the division under this chapter for the prevention and treatment of compulsive gambling are in addition to any admissions tax revenue allocated by the division under IC 4-33-12-6 for the prevention and treatment of compulsive gambling.

As added by P.L.233-2007, SEC.21.

IC 4-35-8.9

Chapter 8.9. Supplemental Fees

IC 4-35-8.9-1

Application of chapter

Sec. 1. This chapter applies only to state fiscal years beginning after June 30, 2007, and ending before July 1, 2012.

As added by P.L.233-2007, SEC.21.

IC 4-35-8.9-2

Supplemental fees imposed

Sec. 2. (a) Before the fifteenth day of each month, a licensee that offers slot machine wagering under this article shall pay to the commission a supplemental fee equal to one percent (1%) of the adjusted gross receipts received by the licensee from slot machine wagering.

(b) The commission shall deposit the supplemental fees into a separate account within the state general fund.

As added by P.L.233-2007, SEC.21.

IC 4-35-8.9-3

Distribution of supplemental fees

Sec. 3. Before the fifteenth day of each month, the treasurer of state shall distribute supplemental fees received under this chapter during the previous month in equal shares to each licensed owner or operating agent that commences gambling operations with respect to:

(1) an initial owner's license issued under IC 4-33-6; or

(2) the initial term of an operating agent contract entered into under IC 4-33-6.5;

after June 30, 2006.

As added by P.L.233-2007, SEC.21.

IC 4-35-9
Chapter 9. Penalties

IC 4-35-9-1
Application of chapter
Sec. 1. This chapter applies only to gambling games authorized under this article.
As added by P.L.233-2007, SEC.21.

IC 4-35-9-2
Aiding, inducing, or causing an underage person to enter; Class A misdemeanor
Sec. 2. A person who knowingly or intentionally aids, induces, or causes a person who is:
(1) less than twenty-one (21) years of age; and
(2) not an employee of a licensee;
to enter or attempt to enter the licensee's gambling game facility commits a Class A misdemeanor.
As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.52.

IC 4-35-9-3
Repealed
(As added by P.L.233-2007, SEC.21. Repealed by P.L.158-2013, SEC.74.)

IC 4-35-9-3.5
Underage entry
Sec. 3.5. (a) A person who:
(1) is not an employee of a licensee;
(2) is less than twenty-one (21) years of age; and
(3) enters the licensee's gambling game facility;
commits a Class C infraction.
(b) A person who:
(1) is not an employee of a licensee;
(2) is less than twenty-one (21) years of age; and
(3) attempts to enter the licensee's gambling game facility;
commits a Class C infraction.
As added by P.L.158-2013, SEC.75. Amended by P.L.255-2015, SEC.53.

IC 4-35-9-4
Other Class A misdemeanors
Sec. 4. A person who knowingly or intentionally:
(1) makes a false statement on an application submitted under this article;
(2) conducts a gambling game in a manner other than the manner required under this article; or

(3) wagers or accepts a wager at a location other than a licensee's gambling game facility;

commits a Class A misdemeanor.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.54.

IC 4-35-9-5

Level 6 felonies

Sec. 5. A person who knowingly or intentionally does any of the following commits a Level 6 felony:

(1) Offers, promises, or gives anything of value or benefit:

(A) to a person who is connected with a licensee, including an officer or employee of a licensee; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(2) Solicits, accepts, or receives a promise of anything of value or benefit:

(A) while the person is connected with a licensee, including as an officer or employee of a licensee; and

(B) under an agreement to influence or with the intent to influence:

(i) the actions of the person to affect or attempt to affect the outcome of a gambling game; or

(ii) an official action of a commission member.

(3) Uses or possesses with the intent to use a device to assist in:

(A) projecting the outcome of a gambling game;

(B) analyzing the probability of the occurrence of an event related to a gambling game; or

(C) analyzing the strategy for playing or betting to be used in a gambling game, except as permitted by the commission.

(4) Cheats at a gambling game.

(5) Manufactures, sells, or distributes any game or device that is intended to be used to violate this article.

(6) Alters or misrepresents the outcome of a gambling game on which wagers have been made after the outcome is made sure but before the outcome is revealed to the players.

(7) Places a bet on the outcome of a gambling game after acquiring knowledge that:

(A) is not available to all players; and

(B) concerns the outcome of the gambling game that is the subject of the bet.

(8) Aids a person in acquiring the knowledge described in subdivision (7) to place a bet contingent on the outcome of a gambling game.

(9) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a gambling game:

(A) with the intent to defraud; or

(B) without having made a wager contingent on winning a gambling game.

(10) Claims, collects, or takes an amount of money or a thing of value that is of greater value than the amount won in a gambling game.

(11) Uses or possesses counterfeit tokens in or for use in a gambling game.

(12) Possesses a key or device designed for:

(A) opening, entering, or affecting the operation of a gambling game, a drop box, or an electronic or a mechanical device connected with the gambling game; or

(B) removing coins, tokens, or other contents of a gambling game.

This subdivision does not apply to a licensee or an employee of a licensee acting in the course of the employee's employment.

(13) Possesses materials used to manufacture a slug or device intended to be used in a manner that violates this article.

As added by P.L.233-2007, SEC.21. Amended by P.L.158-2013, SEC.76.

IC 4-35-9-6

Persons prohibited from wagering

Sec. 6. (a) The following individuals may not wager on gambling games at a facility licensed under this article:

(1) A member of the commission.

(2) An employee of the commission.

(3) The spouse of any individual listed in subdivisions (1) and (2).

(b) A person who knowingly or intentionally violates this section commits a Class A misdemeanor.

As added by P.L.221-2013, SEC.5.

IC 4-35-10
Chapter 10. Employment

IC 4-35-10-1
Effect of a collective bargaining agreement with certain pari-mutuel employees

Sec. 1. (a) This section applies if a permit holder's employees are covered under the terms of a collective bargaining agreement that is in effect at the time a gambling game license is issued to the permit holder under IC 4-35-5.

(b) If a permit holder has nonsupervisory employees whose work is:

(1) directly related to:

(A) pari-mutuel terminal operations; or

(B) money room functions associated with pari-mutuel wagering on horse racing; and

(2) covered under the terms of a collective bargaining agreement;

the permit holder shall, subject to subsection (c), staff nonsupervisory positions directly related to the operation of gambling games under this article with employees whose work is covered under the terms of a collective bargaining agreement.

(c) The employees described in subsection (b) must be qualified to meet the licensing requirements of this article and any criteria required by the commission in rules adopted under IC 4-22-2.

As added by P.L.233-2007, SEC.21.

IC 4-35-10-2
Collective bargaining agreement permitted

Sec. 2. The job classifications, job duties, wage rates, and benefits of nonsupervisory positions related to gambling games may be established by agreement of the parties to a collective bargaining agreement or, in the absence of an agreement, by the permit holder.

As added by P.L.233-2007, SEC.21.

IC 4-35-10-3
Confidential information

Sec. 3. (a) The following information submitted, collected, or gathered as part of an application to the commission for a license is confidential for purposes of IC 5-14-3-4:

(1) Any information concerning a minor child of an applicant.

(2) The Social Security number of an applicant or the spouse of an applicant.

(3) The home telephone number of an applicant or the spouse or children of an applicant.

(4) An applicant's birth certificate.

(5) An applicant's or applicant's spouse's driver's license number.

(6) The name or address of a previous spouse of the applicant.
(7) The date of birth of the spouse of an applicant.
(8) The place of birth of the spouse of an applicant.
(9) The personal financial records of an applicant or the spouse or minor child of an applicant.
(10) Any information concerning a victim of domestic violence, sexual assault, or stalking.
(11) The electronic mail address of an applicant or spouse or family member of the applicant.

(b) Except as provided in subsections (c) and (d), in addition to information that is confidential under subsection (a), all information maintained by the commission concerning an individual who holds, held, or has applied for an occupational license under this article:
(1) is confidential for purposes of IC 5-14-3; and
(2) may be released by the commission only for law enforcement purposes or to a state or local public agency.

(c) The following information concerning an individual who holds, held, or has applied for an occupational license under this article is not confidential:
(1) The individual's name.
(2) The individual's place of employment.
(3) The individual's job title.
(4) The individual's gaming experience.
(5) The reason for denial or revocation of a license or for disciplinary action against the individual.
(6) Information submitted by the individual for a felony waiver request under IC 4-33-8-11.

(d) An individual who holds, held, or has applied for an occupational license under this article may waive the confidentiality requirements of subsection (b).

As added by P.L.104-2008, SEC.3.

IC 4-35-11
Chapter 11. Minority and Women's Business Participation

IC 4-35-11-1
Application of chapter

Sec. 1. This chapter applies to persons holding a permit to operate a racetrack under IC 4-31-5 at which gambling games are licensed under this article.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.55.

IC 4-35-11-2
Legislative declaration

Sec. 2. The general assembly declares that it is essential for minority and women's business enterprises to have the opportunity for full participation in the racetrack industry if minority and women's business enterprises are to obtain social and economic parity and if the economies of the cities, towns, and counties in which gambling games are operated at racetracks are to be stimulated as contemplated by this article.

As added by P.L.233-2007, SEC.21. Amended by P.L.255-2015, SEC.56.

IC 4-35-11-3
"Minority"

Sec. 3. As used in this chapter, "minority" means a member of a minority group (as defined in IC 4-13-16.5-1).

As added by P.L.233-2007, SEC.21. Amended by P.L.87-2008, SEC.3.

IC 4-35-11-4
"Minority business enterprise"

Sec. 4. As used in this chapter, "minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.

As added by P.L.233-2007, SEC.21. Amended by P.L.87-2008, SEC.4.

IC 4-35-11-5
"Women's business enterprise"

Sec. 5. As used in this chapter, "women's business enterprise" has the meaning set forth in IC 4-13-16.5-1.3.

As added by P.L.233-2007, SEC.21. Amended by P.L.87-2008, SEC.5.

IC 4-35-11-6
Goods and services; contracts awarded to minority and women's business enterprises

Sec. 6. (a) As used in this section, "goods and services" does not

include the following:

(1) Utilities and taxes.

(2) Financing costs, mortgages, loans, or other debt.

(3) Medical insurance.

(4) Fees and payments to a parent or an affiliated company of a permit holder or other fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for the use or benefit of the permit holder.

(5) Rents paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.

(b) Notwithstanding any law or rule to the contrary, the commission shall establish goals for permit holders concerning contracts for goods and services with minority business enterprises and women's business enterprises. The goals under this subsection must be equal to goals set by the commission under IC 4-33-14-5 for contracts awarded for goods or services.

(c) A permit holder shall submit quarterly reports to the commission that outline the total dollar value of contracts awarded for goods and services and the percentage of contracts awarded to minority and women's business enterprises.

(d) A permit holder shall make a good faith effort to meet the requirements of this section and shall quarterly, unless otherwise directed by the commission, demonstrate to the commission at a public meeting that an effort was made to meet the requirements.

(e) A permit holder may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the permit holder shall provide the commission with proof of the amount of the set aside.

As added by P.L.233-2007, SEC.21.

IC 4-35-11-7
Enforcement

Sec. 7. If the commission determines that the provisions of this chapter relating to expenditures and assignments to minority and women's business enterprises have not been met, the commission may suspend, limit, or revoke the person's license or permit, or may fine or impose appropriate conditions on the license or permit to ensure that the goals for expenditures and assignments to minority and women's business enterprises are met. However, if a determination is made that a permit holder has failed to demonstrate compliance with this chapter, the person has ninety (90) days from the date of the determination of noncompliance to comply.

As added by P.L.233-2007, SEC.21.

IC 4-35-11-8
Certification procedure

Sec. 8. The commission shall use the certifications made under IC 4-13-16.5 for minority and women's business enterprises that do business with horse track operations on contracts for goods or services or contracts for business.
As added by P.L.233-2007, SEC.21. Amended by P.L.87-2008, SEC.6.

IC 4-35-11-9
List of certified enterprises
Sec. 9. The commission shall supply permit holders with a list of minority and women's business enterprises certified under section 8 of this chapter.
As added by P.L.233-2007, SEC.21. Amended by P.L.87-2008, SEC.7.

IC 4-35-11-10
Rules
Sec. 10. The commission shall adopt other rules necessary to interpret and implement this chapter.
As added by P.L.233-2007, SEC.21.

IC 4-35-12

Chapter 12. Gambling Games Temporarily Conducted by a Trustee

IC 4-35-12-1

Application of chapter

Sec. 1. This chapter applies only to a trustee acting under the authority of:

(1) a resolution adopted by the commission authorizing the trustee to conduct gambling games under this chapter; and

(2) either of the following:

(A) A written power of attorney approved by the commission under IC 4-35-5-9.

(B) An appointment by the commission under IC 4-35-4-14.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-2

Exercise of power delegated by power of attorney prohibited unless authorized by the commission

Sec. 2. A person may not exercise any powers delegated under a power of attorney submitted under IC 4-35-5-9 unless the commission adopts a resolution under section 3 of this chapter.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-3

Resolution authorizing a trustee to conduct gambling games at a racetrack

Sec. 3. The commission may adopt a resolution authorizing a trustee to temporarily conduct gambling games at a racetrack if any of the following occur with respect to that particular racetrack:

(1) The commission revokes the owner's permit or gambling game license.

(2) The commission declines to renew the owner's permit or gambling game license.

(3) A proposed transferee is denied a permit under IC 4-31 or a gambling game license under this article when attempting to purchase the racetrack and obtain a permit, but the person who attempted to sell the racetrack is unable or unwilling to retain ownership or control of the racetrack.

(4) A permit holder agrees in writing to relinquish control of the racetrack to a trustee as approved by the commission.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-4

Effective date of power of attorney

Sec. 4. A power of attorney designating a trustee to conduct gambling games at a racetrack is effective on the date designated by the commission in a resolution authorizing the trustee to conduct

gambling games under this chapter. The power of attorney remains in effect until the date the trusteeship established by the operation of the power of attorney is terminated by resolution of the commission.
As added by P.L.142-2009, SEC.28.

IC 4-35-12-5
General power of attorney law applies

Sec. 5. (a) IC 30-5 applies to a trustee exercising powers under this chapter.

(b) For purposes of IC 30-5, a trustee is an attorney in fact.
As added by P.L.142-2009, SEC.28.

IC 4-35-12-6
Trustee requirements

Sec. 6. A trustee who conducts gambling games at a racetrack:

(1) must:

(A) be eligible to receive an occupational license under IC 4-35-6.5; and

(B) satisfy the requirements of any rule adopted by the commission under IC 4-35-6.5-4;

(2) must conduct the gambling games within the same standards for character, reputation, and financial integrity that are imposed upon a permit holder by this article;

(3) must submit to the commission any information requested by the commission; and

(4) is charged with all the duties imposed upon a permit holder under this article.
As added by P.L.142-2009, SEC.28.

IC 4-35-12-7
Trustee's duties

Sec. 7. (a) A trustee acting under the authority of this chapter must fulfill the trustee's duties as a fiduciary for the owner of the racetrack. In addition, the trustee shall consider the effect of the trustee's actions upon:

(1) the amount of taxes and fees remitted by the trustee under this article;

(2) the racetrack's surrounding community;

(3) the racetrack's employees; and

(4) the creditors of the owner of the racetrack.

(b) In balancing the interests described in subsection (a), a trustee shall conduct gambling games at the racetrack in a manner that enhances the credibility and integrity of gambling games in Indiana while minimizing disruptions to tax revenues, fee remissions, employment, and credit obligations.
As added by P.L.142-2009, SEC.28.

IC 4-35-12-8

Duty of racetrack owner to sell a racetrack at which a trustee conducts gambling games

Sec. 8. (a) A person who directly or indirectly owns a racetrack that is the subject of a resolution described in section 3 of this chapter has one hundred eighty (180) days after the date on which the commission adopts the resolution to sell the racetrack (and its related properties described in section 9 of this chapter) to another person that:

(1) satisfies the requirements of IC 4-31 for obtaining a permit and this article for obtaining a gambling game license; and

(2) is approved by the commission.

(b) If the person is unable to sell the racetrack (and its related properties described in section 9 of this chapter) in the time required by subsection (a), the trustee may take any action necessary to sell the properties to another person that:

(1) satisfies the requirements of IC 4-31 for obtaining a permit and this article for obtaining a gambling game license; and

(2) is approved by the commission.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-9

Operation of related properties

Sec. 9. A trustee acting under the authority of this chapter may conduct the operations of any hotel, restaurant, golf course, or other amenity related to the racetrack's gambling game facility.

As added by P.L.142-2009, SEC.28. Amended by P.L.255-2015, SEC.57.

IC 4-35-12-10

Trustee compensation

Sec. 10. A trustee is entitled to reasonable compensation for carrying out the duties imposed upon the trustee under this chapter. The trustee's compensation must be:

(1) approved by the commission; and

(2) paid by the owner of the racetrack that is the subject of a resolution described in section 3 of this chapter.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-11

Liability insurance

Sec. 11. A permit holder shall purchase liability insurance, in an amount determined by the commission, to protect the trustee appointed to conduct gambling games on behalf of the permit holder from liability for any act or omission by the trustee occurring within the scope of the trustee's duties. The insurance coverage required by this section must apply to the entire period of the trusteeship.

As added by P.L.142-2009, SEC.28.

IC 4-35-12-12

Power to revoke, modify, or amend a resolution authorizing a trustee to conduct gambling games at a racetrack

Sec. 12. (a) Except as provided in subsection (b), the commission may revoke, modify, or amend a resolution authorizing a trustee to conduct gambling games under this chapter upon a showing of good cause after a public meeting. A public meeting held under this subsection may be conducted by the commission or the executive director.

(b) In an emergency that requires immediate action to protect the credibility and integrity of gambling games authorized by this article, the commission may, without holding a hearing, take the following actions concerning a trustee whose actions have created the emergency:

(1) Revoke the resolution authorizing the trustee to conduct gambling games under this chapter.

(2) Remove the trustee from the control of the racetrack subject to the revoked resolution.

As added by P.L.142-2009, SEC.28.

IC 4-36

ARTICLE 36. TYPE II GAMING IN ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC BEVERAGES

IC 4-36-1

Chapter 1. General Provisions

IC 4-36-1-1

Exemption from federal gambling statute

Sec. 1. Under 15 U.S.C. 1172, approved January 2, 1951, the state of Indiana, acting by and through the elected and qualified members of the legislature, declares that the state is exempt from 15 U.S.C. 1172.

As added by P.L.95-2008, SEC.13.

IC 4-36-1-2

Shipments of gambling games authorized

Sec. 2. All shipments of gambling games authorized under this article to distributors and retailers in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal shipments of gambling devices into the state of Indiana.

As added by P.L.95-2008, SEC.13.

IC 4-36-1-3

Application of article

Sec. 3. This article does not apply to the following:

(1) The Indiana state lottery established under IC 4-30.
(2) Pari-mutuel horse racing under IC 4-31.
(3) Charity gaming under IC 4-32.2.
(4) Riverboat gambling under IC 4-33.
(5) Wagering on gambling games under IC 4-35.

As added by P.L.95-2008, SEC.13. Amended by P.L.255-2015, SEC.58.

IC 4-36-1-4

Electronic gaming devices not authorized by article

Sec. 4. Nothing in this article may be construed to authorize the use of an electronic gaming device in a type II gambling operation.

As added by P.L.95-2008, SEC.13.

IC 4-36-2
Chapter 2. Definitions

IC 4-36-2-1
Application of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-2
"Commission"
Sec. 2. "Commission" means the alcohol and tobacco commission created by IC 7.1-2-1-1.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-3
"Deal"
Sec. 3. "Deal" means each separate game or series of pull tab tickets with a specific form number and a unique serial number.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-4
"Department"
Sec. 4. "Department" refers to the department of state revenue.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-5
"Distributor"
Sec. 5. "Distributor" means a person licensed to distribute pull tabs, punchboards, and tip boards under IC 4-32.2.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-6
"Electronic gaming device"
Sec. 6. "Electronic gaming device" has the meaning set forth in IC 35-45-5-1.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-7
"Flare"
Sec. 7. "Flare" means the board or placard that accompanies each deal of pull tabs on which the following information is printed:
(1) The game name.
(2) The manufacturer's name or distinctive logo.
(3) The form number.
(4) The ticket count.
(5) The prize structure.
(6) The cost per play.

(7) The game serial number.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-8
"Form number"
Sec. 8. "Form number" means the unique number or alphanumeric code that identifies a game's cost per play, ticket count, payout structure, and extended payout structure, if any.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-9
"Gross receipts"
Sec. 9. (a) "Gross receipts" means the total amount of money exchanged for the purchase of:
(1) pull tabs;
(2) punchboards;
(3) tip boards; and
(4) raffle tickets purchased in a qualified drawing in which the retailer retains the profits of the qualified drawing;
by the patrons of a type II gaming operation.
(b) The term does not include any amount wagered on qualified drawings conducted by a retailer under IC 4-36-5-1(c) in which the total amount wagered is returned to the retailer's patrons in the form of prizes.
As added by P.L.95-2008, SEC.13. Amended by P.L.108-2009, SEC.14; P.L.19-2011, SEC.1.

IC 4-36-2-10
"Licensed premises"
Sec. 10. "Licensed premises" has the meaning set forth in IC 7.1-1-3-20.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-11
"Licensee"
Sec. 11. "Licensee" means a person holding a license issued under this article.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-12
"Manufacturer"
Sec. 12. "Manufacturer" means a person licensed to manufacture pull tabs, punchboards, and tip boards under IC 4-32.2.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-13
"Person"
Sec. 13. "Person" means an individual, a sole proprietorship, a

partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-13.5
"Profits"
Sec. 13.5. "Profits" means the difference between:
(1) the total amount of money exchanged for the purchase of a raffle ticket in a qualified drawing; minus
(2) the total cost of the prizes awarded in the qualified drawing.
As added by P.L.19-2011, SEC.2.

IC 4-36-2-14
"Pull tab"
Sec. 14. "Pull tab" has the meaning set forth in IC 4-32.2-2-22.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-15
"Punchboard"
Sec. 15. "Punchboard" has the meaning set forth in IC 4-32.2-2-23.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-15.5
"Qualified drawing"
Sec. 15.5. "Qualified drawing" means a random drawing to award one (1) or more prizes that is conducted in the manner required by IC 4-36-5-1(c).
As added by P.L.108-2009, SEC.15.

IC 4-36-2-16
"Raffle"
Sec. 16. "Raffle" means the selling of tickets or chances to win a prize awarded through a random drawing.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-17
"Retailer"
Sec. 17. "Retailer" means a person that:
(1) is licensed to sell alcoholic beverages under IC 7.1-3 to customers for consumption on the licensed premises of the person's tavern; and
(2) holds an endorsement to conduct type II gambling games that was issued by the commission under IC 4-36-4.
As added by P.L.95-2008, SEC.13.

IC 4-36-2-18
"Tavern"

Sec. 18. "Tavern" means that part of a licensed premises:

(1) that is a separate room from the public spaces of the licensed premises in which a minor may be present under IC 7.1-5-7-11(a)(16);

(2) that is used primarily for the serving of alcoholic beverages by the drink to the general public; and

(3) where food service is secondary to the primary use described in subdivision (2) in the amount of sales.

As added by P.L.95-2008, SEC.13.

IC 4-36-2-19
"Tip board"

Sec. 19. "Tip board" has the meaning set forth in IC 4-32.2-2-28.

As added by P.L.95-2008, SEC.13.

IC 4-36-2-20
"Type II gambling game"

Sec. 20. "Type II gambling game" means a pull tab, punchboard, or tip board game approved by the Indiana gaming commission for play under IC 4-32.2.

As added by P.L.95-2008, SEC.13.

IC 4-36-2-21
"Type II gambling operation"

Sec. 21. "Type II gambling operation" means the conduct of gambling games authorized under this article in a tavern.

As added by P.L.95-2008, SEC.13.

IC 4-36-3

Chapter 3. Powers and Duties of the Commission

IC 4-36-3-1

Administration and enforcement of type II gaming

Sec. 1. (a) The commission shall supervise and administer type II gambling operations conducted in Indiana under this article.

(b) The commission shall enforce this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-3-2

Investigative powers

Sec. 2. For purposes of conducting an investigation or a proceeding under this article, the commission may do the following:

(1) Administer oaths.

(2) Take depositions.

(3) Issue subpoenas.

(4) Compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

As added by P.L.95-2008, SEC.13.

IC 4-36-3-3

Rules

Sec. 3. (a) The commission may adopt rules under IC 4-22-2 for the establishment, implementation, and operation of type II gambling games and to ensure that the type II gambling operations are consistently operated in a fair and honest manner.

(b) The commission may adopt emergency rules under IC 4-22-2-37.1 for the administration of this article if the commission determines that:

(1) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(2) an emergency rule is likely to address the need.

As added by P.L.95-2008, SEC.13.

IC 4-36-3-4

Authority to issue endorsements enabling retailers to participate in type II gaming

Sec. 4. (a) The commission has the sole authority to issue an endorsement or a license to a person authorizing the person to sell, distribute, or manufacture type II gambling games under this article.

(b) The commission may not limit the number of persons licensed under this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-4
Chapter 4. Licensing

IC 4-36-4-1
Retailer's endorsement

Sec. 1. (a) Subject to section 13 of this chapter, the commission shall issue a retailer's endorsement to an applicant that satisfies the requirements of this article. A retailer's endorsement allows the retailer to conduct type II gaming at only the tavern specified in the retailer's application under section 3(b)(2) of this chapter. An applicant must obtain a separate retailer's endorsement for each tavern at which the applicant wishes to conduct type II gaming.

(b) The commission shall affix an endorsement issued under this chapter to the retailer's alcoholic beverage permit that authorizes the retailer to sell alcoholic beverages at the tavern specified in the retailer's application under section 3(b)(2) of this chapter. An endorsement issued under this chapter is valid for one (1) year.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-2
Qualifications to apply for a retailer's endorsement

Sec. 2. (a) To qualify for a retailer's endorsement, a person must operate a tavern licensed under IC 7.1-3 to sell alcoholic beverages to customers for consumption on the premises of the tavern.

(b) The following may not apply for a retailer's endorsement under this article:

(1) A person holding a horse track permit under IC 7.1-3-17.7.

(2) A licensed owner of a riverboat licensed under IC 4-33.

(3) An operating agent who operates a riverboat in a historic hotel district under IC 4-33.

(4) A qualified organization (as defined in IC 4-32.2-2-24).

(5) An organization that is eligible to apply for a charity gaming license under IC 4-32.2.

(6) A person holding a gambling game license issued under IC 4-35-5.

(7) A person holding a permit issued under IC 7.1-3 for a licensed premises that is not a tavern, including holders of the following:

(A) A boat permit.

(B) A hotel permit.

(C) A fraternal club permit.

(D) A resort hotel permit.

(E) An airport permit.

(F) A satellite facility permit.

(G) A microbrewery permit.

(H) A social club permit.

(I) A civic center permit.

(J) A catering hall permit.

(K) A dining car permit.
(L) A temporary event permit.
(M) A permit for any of the following facilities:
(i) A stadium.
(ii) An automobile race track.
(iii) A concert hall.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-3
Application

Sec. 3. (a) To obtain a retailer's endorsement, a person must submit an application form to the commission.

(b) An application submitted under this section must include at least the following:

(1) The name and address of the applicant and of any person holding at least a ten percent (10%) interest in the applicant.
(2) The name and address of the tavern for which the applicant seeks a retailer's endorsement.
(3) The applicant's consent to credit investigations and criminal record searches.
(4) Waivers and releases signed by the applicant that the commission believes are necessary to ensure a full and complete review of the application.

(c) An applicant must furnish all information requested by the commission, including financial data and documents, certifications, consents, waivers, and individual histories.

(d) The commission shall review the applications for a retailer's endorsement under this chapter and shall inform each applicant of the commission's decision concerning the issuance of a retailer's endorsement.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-4
Investigative costs

Sec. 4. The costs of investigating an applicant for a retailer's endorsement under this chapter shall be paid from the initial endorsement fee paid by the applicant under section 5 of this chapter.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-5
Initial fees; renewal fees

Sec. 5. (a) The commission shall charge the following fees for the issuance of a person's initial annual endorsement or license under this chapter:

(1) Two hundred fifty dollars ($250) for a retailer's endorsement to conduct a type II gambling operation in the retailer's tavern.
(2) One thousand dollars ($1,000) for a distributor's license.

(3) One thousand five hundred dollars ($1,500) for a manufacturer's license.

(b) The commission shall charge the following fees for the renewal of a person's annual endorsement or license under this chapter:

(1) The following amounts for a retailer's endorsement:

(A) One hundred dollars ($100) in the case of a retailer that had adjusted gross revenues of less than twenty-five thousand dollars ($25,000) in the previous year.

(B) Two hundred fifty dollars ($250) in the case of a retailer that had adjusted gross revenues of at least twenty-five thousand dollars ($25,000) but less than fifty thousand dollars ($50,000) in the previous year.

(C) Five hundred dollars ($500) in the case of a retailer that had adjusted gross revenues of at least fifty thousand dollars ($50,000) but less than one hundred thousand dollars ($100,000) in the previous year.

(D) One thousand dollars ($1,000) in the case of a retailer that had adjusted gross revenues of at least one hundred thousand dollars ($100,000) in the previous year.

(2) One thousand dollars ($1,000) for a distributor's license.

(3) One thousand five hundred dollars ($1,500) for a manufacturer's license.

(c) A retailer shall report the amount of the retailer's adjusted gross receipts on the form required to renew the retailer's endorsement. The renewal fee required under subsection (b)(1) must be submitted with the renewal form.

(d) The commission shall deposit all fees collected under this chapter into the enforcement and administration fund established under IC 7.1-4-10.

As added by P.L.95-2008, SEC.13. Amended by P.L.108-2009, SEC.16.

IC 4-36-4-6

Determination of adjusted gross revenue

Sec. 6. (a) For the purposes of section 5(b)(1) of this chapter, a retailer's adjusted gross revenue is an amount equal to the difference between:

(1) the retailer's total gross revenue from the retailer's type II gambling operations in the preceding year; minus

(2) the sum of any amounts deducted under subsection (b) in the preceding year.

(b) To determine the amount of a retailer's adjusted gross revenue from the retailer's type II gambling operations in the preceding year under subsection (a), the retailer shall subtract the following from the retailer's gross receipts:

(1) An amount equal to the total value of the prizes awarded in type II gambling games in the preceding year.

(2) The sum of the purchase prices paid for type II gambling games dispensed in the retailer's type II gambling operation in the preceding year.

(3) An amount equal to the amount of license fees paid by the retailer in the preceding year.

As added by P.L.95-2008, SEC.13. Amended by P.L.108-2009, SEC.17.

IC 4-36-4-7

Authority to issue a distributor's license

Sec. 7. The commission may issue a distributor's license to an applicant who meets the requirements of this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-8

Authority to issue a manufacturer's license

Sec. 8. The commission may issue a manufacturer's license to an applicant who meets the requirements of this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-9

Applications for distributor's license or a manufacturer's license

Sec. 9. (a) To obtain a distributor's license or a manufacturer's license, a person must submit an application to the commission on a form prescribed by the commission. An applicant shall furnish all information required by the commission.

(b) To qualify for a distributor's license or a manufacturer's license under this chapter, a person must also be a licensed distributor or manufacturer under IC 4-32.2.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-10

Background investigations

Sec. 10. The commission shall conduct or cause to be conducted a background investigation of each applicant for an endorsement or license issued under this chapter.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-11

Criminal history records

Sec. 11. Criminal history record information obtained during the investigation of an individual must be maintained by the commission for the term of the endorsement or license and for any subsequent license term.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-12

Authority to require applications to be sworn or affirmed before

a notary public

Sec. 12. The commission may require that an application or other document submitted by an applicant or a licensee must be sworn to or affirmed before a notary public.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-13

Restrictions on the issuance of endorsements or licenses

Sec. 13. The commission may not issue an endorsement or a license to an applicant if any of the following apply:

(1) The applicant has knowingly made a false statement of material fact to the commission.

(2) The applicant is found by the commission to lack the necessary financial stability or responsibility for holding an endorsement or license issued under this chapter.

(3) The applicant, if an individual, is less than twenty-one (21) years of age on the date on which the application is received by the commission.

(4) The applicant is on the most recent tax warrant list.

(5) The applicant, if an individual, has been convicted of or entered a plea of guilty or nolo contendere to a felony within the ten (10) years preceding the date of the endorsement or license application, unless the commission determines that:

(A) the individual has been pardoned or the individual's civil rights have been restored;

(B) after the conviction or entry of the plea, the individual has engaged in the kind of law abiding commerce and good citizenship that would reflect well upon the integrity of the commission; or

(C) the individual has terminated a relationship with a person whose actions directly contributed to the conviction or entry of the plea.

(6) The applicant fails to provide all materials requested by the commission.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-14

Confidentiality of credit and security information

Sec. 14. Credit and security investigation information submitted in connection with an application for an endorsement or a license under this article is confidential and may not be disclosed except for official purposes under this article or under a judicial order.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-15

Written approval required to transfer an endorsement or license

Sec. 15. An endorsement or a license issued under this article may not be transferred without prior written approval of the commission.

As added by P.L.95-2008, SEC.13.

IC 4-36-4-16

Operations under a pending revocation of an endorsement or license

Sec. 16. If the commission proposes to revoke an endorsement or a license issued under this chapter, the licensee may continue to operate under the endorsement or license until the commission has made a decision and all administrative appeals have been exhausted by the licensee.

As added by P.L.95-2008, SEC.13.

IC 4-36-5

Chapter 5. Type II Gambling Operations

IC 4-36-5-1

Retailers authorized to offer type II gambling games and qualified drawings; conduct of qualified drawings

Sec. 1. (a) A retailer may offer the sale of type II gambling games in accordance with this article.

(b) A retailer's endorsement also authorizes a retailer to conduct qualified drawings on the premises of the retailer's tavern. A qualified drawing must be conducted in the manner required by this section.

(c) A qualified drawing is subject to the following rules and limitations:

(1) The purchase price for a chance to win a prize in a qualified drawing may not exceed five dollars ($5).

(2) This subdivision does not apply to a qualified drawing conducted under subdivision (12). The total value of all prizes that may be won in a particular qualified drawing may not exceed three hundred dollars ($300) for any of the following:

(A) A daily drawing.

(B) A weekly drawing.

(C) A monthly drawing.

(3) A qualified drawing must be conducted in accordance with the following limitations:

(A) Not more than one (1) daily drawing may be conducted each day.

(B) Not more than one (1) weekly drawing may be conducted each week.

(C) Not more than one (1) monthly drawing may be conducted each month.

(D) Weekly drawings must be held on regular seven (7) day intervals posted in the information required by subdivision (10).

(E) Monthly drawings must be held on regular monthly intervals posted in the information required by subdivision (10).

A weekly or monthly drawing may be conducted on the same day that a daily drawing is conducted.

(4) Except as otherwise provided in this section, a patron must be present to claim a prize awarded in a qualified drawing.

(5) A retailer may profit from conducting a qualified drawing.

(6) A retailer may not conduct a qualified drawing or any other event in which the winner of the prize is determined, in whole or in part, by a sporting event.

(7) If no winning ticket is drawn in a qualified drawing, a retailer may:

(A) carry the prize over to a later drawing in accordance

with this section; or

(B) continue drawing tickets until a winner is drawn.

(8) If a patron who purchased a winning ticket is not present to claim a prize at the time of the qualified drawing, a retailer shall hold the prize for the winning patron in accordance with the rules of the retailer.

(9) In order to comply with subdivision (8), a retailer shall obtain the name, address, and telephone number of each patron who purchases a ticket for a qualified drawing.

(10) A retailer must conspicuously display the following information concerning each qualified drawing conducted by the retailer:

(A) The price of a ticket.

(B) The time of the drawing.

(C) The description and value of the prizes awarded in the drawing.

(D) The manner in which a prize may be claimed.

(E) The rules of the retailer concerning the following:

(i) Qualified drawings in which no winning ticket is drawn.

(ii) The period that the retailer will hold a prize for a winning patron who was not present to claim the prize at the time of the qualified drawing.

(F) Whether:

(i) the retailer will retain the profits realized from conducting the qualified drawing; or

(ii) the amount wagered on the qualified drawing will be returned to the retailer's patrons in the form of prizes.

(11) Notwithstanding any other provision of this chapter, a retailer must continue drawing tickets in a monthly drawing until the retailer draws a ticket purchased by a patron who is present to claim the prize.

(12) The following rules apply only to a qualified drawing from which the retailer retains the profits:

(A) Cash may not be awarded to the winner of the qualified drawing.

(B) All prizes must be in the form of merchandise other than alcohol or tobacco.

(C) The maximum amount of wagers that a retailer may accept in the course of conducting the qualified drawing is five hundred dollars ($500).

(d) When the winning patron is not present at the time of the qualified drawing to claim a prize, the retailer shall award the prize in the following manner:

(1) The retailer shall immediately notify the winning patron by telephone that the patron's name was drawn in a qualified drawing and that the patron has the time permitted by the rules of the retailer, which must be at least seventy-two (72) hours, to

claim the prize.

(2) The winning patron must appear at the retailer's premises within the time permitted by the rules of the retailer to claim the prize in person.

(3) The retailer shall verify the identity of the winning patron and award the prize.

(e) This subsection applies when the rules of a retailer require the retailer to carry over a prize when no winning ticket is drawn and when a winning patron fails to claim a prize in the manner required by subsection (d). The retailer shall carry the prize over to a later qualified drawing as follows:

(1) An unclaimed prize from a daily drawing must be carried over to the next daily drawing.

(2) Subject to the prize limits set forth in subsection (c)(2), a retailer may carry over a prize under subdivision (1) not more than fourteen (14) times. On the fourteenth calendar day to which a prize has been carried over, the retailer must continue drawing tickets until the retailer draws a ticket purchased by a patron who is present to claim the prize.

(3) An unclaimed prize from a weekly drawing must be carried over to the next weekly drawing.

(4) Subject to the prize limits set forth in subsection (c)(2), a retailer may carry over a prize under subdivision (3) not more than one (1) time. On the day that the retailer conducts a weekly drawing for the carried over prize, the retailer must continue drawing tickets until the retailer draws a ticket purchased by a patron who is present to claim the prize.

(f) The following apply to a retailer that carries over a prize under subsection (e):

(1) A retailer may conduct the daily drawing regularly scheduled for a calendar day occurring during the time that the retailer holds a prize for a winning patron who was not present at the time of a qualified drawing.

(2) If an unclaimed prize from a daily drawing is carried over to a particular date, the retailer may not conduct the regular daily drawing that would otherwise be permitted under this section on that date.

(3) If an unclaimed prize from a weekly drawing is carried over to a particular date, the retailer may not conduct the regular weekly drawing that would otherwise be permitted under this section on that date.

(4) Subject to the prize limits set forth in subsection (c)(2), a retailer may accept additional entries to a drawing for a carried over prize.

As added by P.L.95-2008, SEC.13. Amended by P.L.108-2009, SEC.18; P.L.19-2011, SEC.3.

IC 4-36-5-2

Gaming restricted to taverns

Sec. 2. (a) A type II gambling game may be sold under this article only on the premises of the retailer's tavern.

(b) Type II gambling games and qualified drawings conducted under section 1(c) of this chapter may not be offered in any part of the retailer's licensed premises in which a minor may be present under IC 7.1-5-7-11(a)(16).

As added by P.L.95-2008, SEC.13. Amended by P.L.108-2009, SEC.19; P.L.19-2011, SEC.4.

IC 4-36-5-3

Acquisition of type II gambling games and drawing tickets from licensed distributors

Sec. 3. (a) A retailer must obtain a type II gambling game or a ticket for a qualified drawing from a distributor licensed by the commission under this article.

(b) Except as provided in subsection (c), a distributor must obtain at least twenty-five percent (25%) of the type II gambling games and tickets for qualified drawings purchased by the distributor from a manufacturer that is domiciled in Indiana.

(c) The commission may excuse a distributor from the requirement set forth in subsection (b) if the commission finds that at least one (1) of the following conditions exists:

(1) No manufacturer domiciled in Indiana is licensed under this article.

(2) No manufacturer domiciled in Indiana is in good standing with the requirements of this article.

(3) All of the licensed manufacturers domiciled in Indiana also hold distributor's licenses.

As added by P.L.95-2008, SEC.13. Amended by P.L.19-2011, SEC.5.

IC 4-36-5-4

Financial record requirements

Sec. 4. (a) A retailer shall maintain accurate records of all financial aspects of the retailer's type II gambling operation. A retailer shall make accurate reports of all financial aspects of the type II gambling operation to the commission within the time established by the commission. The commission shall prescribe forms for this purpose. The forms prescribed under this subsection must enable a retailer to report the amount of qualified drawing profits retained by the retailer during the reporting period.

(b) As long as a retailer's receipts from the retailer's type II gambling operation remain on the premises of the retailer's tavern, the receipts may not be commingled with the receipts of the retailer's alcoholic beverage sales, food sales, and other related nongambling activities.

As added by P.L.95-2008, SEC.13. Amended by P.L.19-2011, SEC.6.

IC 4-36-5-5
Prize limits

Sec. 5. (a) The total prizes awarded for one (1) type II gambling game may not exceed five thousand dollars ($5,000).

(b) A single prize awarded for one (1) winning ticket in a type II gambling game may not exceed five hundred ninety-nine dollars ($599).

(c) The selling price for one (1) ticket for a type II gambling game may not exceed one dollar ($1). Tickets sold for less than one dollar ($1) must be sold for a price specified in section 6(b) of this chapter.

As added by P.L.95-2008, SEC.13.

IC 4-36-5-6
Minimum payouts

Sec. 6. (a) Except as provided in subsection (b), a type II gambling game must pay out at least seventy-five percent (75%) and not more than one hundred percent (100%) of the amount wagered.

(b) This subsection applies only to a type II gambling game ticket that is sold for less than one dollar ($1). A type II gambling game subject to this subsection must comply with the following minimum payout percentages:

Purchase Price	Minimum Payout Percentage
$0.10	60%
$0.25	65%
Three (3) tickets for one dollar ($1)	65%
$0.50	70%

(c) A type II gambling game's payout percentage must be stated on the ticket or on the accompanying flare.

As added by P.L.95-2008, SEC.13. Amended by P.L.108-2009, SEC.20.

IC 4-36-5-7
Individuals prohibited from playing type II gambling games

Sec. 7. The following persons may not play or participate in any manner in a type II gambling game:

(1) An employee of the commission.

(2) A person less than twenty-one (21) years of age.

(3) The retailer offering the type II gambling game.

(4) A person employed by the retailer offering the type II gambling game.

As added by P.L.95-2008, SEC.13.

IC 4-36-6
Chapter 6. Penalties

IC 4-36-6-1
Suspension or revocation of an endorsement or license

Sec. 1. (a) The commission may suspend or revoke the endorsement or license of or levy a civil penalty against a licensee for any of the following:

(1) Violation of a provision of this article or of a rule of the commission.

(2) Failure to accurately account for type II gambling games.

(3) Failure to accurately account for sales proceeds from type II gambling operations.

(4) Commission of a fraud, deceit, or misrepresentation.

(5) Conduct prejudicial to public confidence in the commission.

(b) If a violation is of a continuing nature, the commission may impose a civil penalty on a licensee for each day the violation continues.

As added by P.L.95-2008, SEC.13.

IC 4-36-6-2
Civil penalties

Sec. 2. The commission may impose on a licensee the following civil penalties:

(1) Not more than one thousand dollars ($1,000) for the first violation.

(2) Not more than two thousand five hundred dollars ($2,500) for the second violation.

(3) Not more than five thousand dollars ($5,000) for each additional violation.

As added by P.L.95-2008, SEC.13.

IC 4-36-6-3
Other authorized disciplinary actions

Sec. 3. In addition to the penalties described in section 2 of this chapter, the commission may do all or any of the following:

(1) Suspend or revoke an endorsement or a license issued under this article.

(2) Lengthen a period of suspension of an endorsement or a license issued under this article.

(3) Impose an additional civil penalty of not more than one hundred dollars ($100) for each day a civil penalty goes unpaid.

As added by P.L.95-2008, SEC.13.

IC 4-36-6-4
Violations of the article are Class A infractions unless specified otherwise

Sec. 4. Except as provided in section 5 of this chapter, a person

who violates this article commits a Class A infraction.
As added by P.L.95-2008, SEC.13.

IC 4-36-6-5
Class A misdemeanors

Sec. 5. A person who knowingly or intentionally:

(1) makes a false statement on an application submitted under this article;

(2) operates a type II gambling operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this article;

(3) permits a person less than twenty-one (21) years of age to play a type II gambling game; or

(4) wagers or accepts a wager on a type II gambling game at a location other than a retailer's licensed premises;

commits a Class A misdemeanor.
As added by P.L.95-2008, SEC.13.

IC 4-36-6-6
Deposit of civil penalties into the enforcement and administration fund

Sec. 6. The commission shall deposit all civil penalties collected under this chapter into the enforcement and administration fund established under IC 7.1-4-10.
As added by P.L.95-2008, SEC.13.

IC 4-36-7
Chapter 7. Security

IC 4-36-7-1
Alcohol and tobacco commission responsibility for security

Sec. 1. The commission is responsible for security matters under this article. The commission may employ individuals who are necessary to carry out this chapter.

As added by P.L.95-2008, SEC.13.

IC 4-36-7-2
Commission powers concerning security

Sec. 2. The commission may do any of the following:

(1) Investigate an alleged violation of this article.

(2) Enter the following premises for the performance of the commission's lawful duties:

(A) A retailer's tavern.

(B) A place in which type II gambling games are being purchased, sold, manufactured, printed, or stored.

(3) Take necessary equipment from the premises referred to in subdivision (2) for further investigation.

(4) Obtain full access to all financial records of the alleged violator on request.

(5) If there is a reason to believe that a violation has occurred, search and inspect the premises where the violation is alleged to have occurred or is occurring. A search under this subdivision may not be conducted unless a warrant has first been obtained by the commission. A contract entered into by the commission may not include a provision allowing for warrantless searches. A warrant may be obtained in the county in which the search will be conducted or in Marion County.

(6) Seize or take possession of:

(A) papers;

(B) records;

(C) tickets;

(D) currency; or

(E) other items;

related to an alleged violation.

As added by P.L.95-2008, SEC.13.

IC 4-36-7-3
Investigations

Sec. 3. The commission shall conduct investigations necessary to ensure the security and integrity of the operation of type II gambling games under this article. The commission may conduct investigations of the following:

(1) Retailers.

(2) Applicants for endorsements or licenses issued under this

article.

(3) Licensed manufacturers and distributors.

(4) Employees of the commission under this article.

(5) Applicants for contracts or employment with the commission under this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-7-4

State police assistance

Sec. 4. (a) The state police department shall, at the request of the commission, provide the following:

(1) Assistance in obtaining criminal history information relevant to investigations required for honest, secure, and exemplary operations under this article.

(2) Any other assistance requested by the executive secretary of the commission and agreed to by the superintendent of the state police department.

(b) Any other state agency, including the Indiana gaming commission and the Indiana professional licensing agency, shall upon request provide the commission with information relevant to an investigation conducted under this article.

As added by P.L.95-2008, SEC.13. Amended by P.L.108-2009, SEC.21; P.L.109-2015, SEC.18.

IC 4-36-8

Chapter 8. State Preemption

IC 4-36-8-1

Prohibition of unauthorized type II gambling games

Sec. 1. Type II gambling games other than those authorized by the commission under this article are not allowed in Indiana.

As added by P.L.95-2008, SEC.13.

IC 4-36-8-2

Local taxes preempted

Sec. 2. Local taxes, regardless of type, may not be imposed on the operations of the commission under this article or on the sale of type II gambling games under this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-8-3

Local governmental authority preempted

Sec. 3. (a) Local governmental authority concerning the following is preempted by the state under this article:

(1) All matters relating to the operation of type II gambling games.

(2) All matters relating to the possession, transportation, advertising, sale, manufacture, printing, storing, or distribution of type II gambling games.

(b) A county, a municipality, or another political subdivision of the state may not enact an ordinance relating to the commission's operations authorized by this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-8-4

Application of other state or local laws concerning type II gambling games do not apply to the operation of type II gambling games under this article

Sec. 4. A state or local law providing a penalty for or a restriction or prohibition against the operation of type II gambling games or the possession, manufacture, transportation, distribution, advertising, printing, storing, or sale of type II gambling games does not apply to the operation of type II gambling games under this article or to the possession, manufacture, transportation, distribution, advertising, printing, storing, or sale of type II gambling games under this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-9

Chapter 9. Type II Gambling Game Excise Tax

IC 4-36-9-1

Excise tax imposed on type II gambling games; tickets used in qualified drawings exempted

Sec. 1. (a) An excise tax is imposed on the distribution of type II gambling games in the amount of ten percent (10%) of the price paid by the retailer that purchases the type II gambling games.

(b) The excise tax imposed by this section does not apply to the distribution of tickets used in qualified drawings.

As added by P.L.95-2008, SEC.13. Amended by P.L.108-2009, SEC.22.

IC 4-36-9-2

Excise tax imposed upon distribution of type II gambling games

Sec. 2. A licensed entity distributing pull tabs, punchboards, or tip boards under this article is liable for the tax. The tax is imposed at the time the licensed entity:

(1) brings or causes the type II gambling games to be brought into Indiana for distribution;

(2) distributes type II gambling games in Indiana; or

(3) transports type II gambling games to retailers in Indiana for resale by those retailers in accordance with this article.

As added by P.L.95-2008, SEC.13.

IC 4-36-9-3

Tax collection procedures

Sec. 3. The department shall establish procedures by which each licensee must account for the following:

(1) The tax collected under this chapter by the licensee.

(2) The type II gambling games sold by the licensee.

(3) The funds received for the sale of type II gambling games by the licensee.

(4) The address of each retailer that purchased pull tabs, punchboards, or tip boards from the licensee in the previous calendar month.

As added by P.L.95-2008, SEC.13.

IC 4-36-9-4

Electronic payment

Sec. 4. A payment by a licensee to the department may not be in cash. All payments must be in the form of a check, a draft, an electronic funds transfer, or another financial instrument authorized by the department. The department may require a licensee to establish a separate electronic funds transfer account to make payments to the department.

As added by P.L.95-2008, SEC.13.

IC 4-36-9-5
Monthly remissions

Sec. 5. All taxes imposed on a licensee under this chapter shall be remitted to the department on a monthly basis at the times and as directed by the department. The department is responsible for all administrative functions related to the receipt of funds. The department may require a licensee to file with the department reports of the licensee's receipts and transactions in the sale of type II gambling games. The department shall prescribe the form of the reports and the information to be contained in the reports.
As added by P.L.95-2008, SEC.13.

IC 4-36-9-6
Audits

Sec. 6. The department may at any time perform an audit of the books and records of a licensee to ensure compliance with this article.
As added by P.L.95-2008, SEC.13.

IC 4-36-9-7
Deposit of taxes in the state general fund

Sec. 7. The department shall deposit all taxes collected under this chapter in the state general fund.
As added by P.L.95-2008, SEC.13.

IC 4-37

ARTICLE 37. STATE MUSEUM AND HISTORIC SITES

IC 4-37-1

Chapter 1. Definitions

IC 4-37-1-1

Application of definitions

Sec. 1. Except as otherwise provided, the definitions in this chapter apply throughout this article.

As added by P.L.167-2011, SEC.1.

IC 4-37-1-2

"Board"

Sec. 2. "Board" refers to the corporation's board of trustees established by IC 4-37-3-1.

As added by P.L.167-2011, SEC.1.

IC 4-37-1-3

"Chief executive officer"

Sec. 3. "Chief executive officer" refers to the chief executive officer of the Indiana state museum and historic sites corporation appointed under IC 4-37-2-5 and the director of the state museum.

As added by P.L.167-2011, SEC.1.

IC 4-37-1-4

"Corporation"

Sec. 4. "Corporation" refers to the Indiana state museum and historic sites corporation established by IC 4-37-2-1.

As added by P.L.167-2011, SEC.1.

IC 4-37-1-5

"Foundation"

Sec. 5. "Foundation" refers to the Indiana state museum foundation established under IC 4-37-8-1 or its successors.

As added by P.L.167-2011, SEC.1.

IC 4-37-1-6

"Fund"

Sec. 6. "Fund" refers to the state museum and historic sites development fund established by IC 4-37-7-1.

As added by P.L.167-2011, SEC.1.

IC 4-37-1-7

"Historic site"

Sec. 7. "Historic site" refers to a state historic site established and maintained by the board under the criteria established by the board.

As added by P.L.167-2011, SEC.1.

IC 4-37-1-8
"Museum"
Sec. 8. "Museum" refers to the state museum.
As added by P.L.167-2011, SEC.1.

IC 4-37-1-9
"State museums"
Sec. 9. "State museums" refers to the following:
(1) The state museum located in the White River State Park.
(2) The historic sites.
As added by P.L.167-2011, SEC.1.

IC 4-37-2

Chapter 2. State Museum and Historic Sites Corporation

IC 4-37-2-1

Corporation established

Sec. 1. The Indiana state museum and historic sites corporation is established.

As added by P.L.167-2011, SEC.1.

IC 4-37-2-2

Corporation a public body corporate and politic

Sec. 2. (a) The corporation is:

(1) a public body corporate and politic; and

(2) an instrumentality of the state.

(b) The corporation is separate from the state. However, the exercise by the corporation of its powers is an essential governmental function.

As added by P.L.167-2011, SEC.1.

IC 4-37-2-3

Suits by and against corporation

Sec. 3. The corporation may:

(1) sue and be sued; and

(2) plead and be impleaded.

As added by P.L.167-2011, SEC.1.

IC 4-37-2-4

Audit

Sec. 4. The corporation is subject to compliance audits by the state board of accounts.

As added by P.L.167-2011, SEC.1. Amended by P.L.166-2013, SEC.2; P.L.181-2015, SEC.7.

IC 4-37-2-5

Appointment of board members

Sec. 5. The board shall appoint, subject to the governor's approval, an individual to serve as chief executive officer of the corporation.

As added by P.L.167-2011, SEC.1.

IC 4-37-2-6

Deposit of public funds exemption

Sec. 6. The corporation is not subject to the requirements under IC 5-13-6-1.

As added by P.L.167-2011, SEC.1.

IC 4-37-2-7

Subject to public record laws

Sec. 7. The records of the corporation are subject to IC 5-14-3.
As added by P.L.167-2011, SEC.1.

IC 4-37-2-8
Transfer of rules; references

Sec. 8. (a) After June 30, 2011, rules that concern the division of state museums and historic sites that were adopted by the natural resources commission shall be treated as rules applying to the corporation.

(b) After June 30, 2011, a reference to the department of natural resources in a statute or rule concerning the division of state museums and historic sites shall be treated as a reference to the corporation.
As added by P.L.167-2011, SEC.1.

IC 4-37-2-9
Subject to public works requirements

Sec. 9. The corporation is subject to the requirements under IC 5-16.
As added by P.L.166-2013, SEC.3.

IC 4-37-3

Chapter 3. Members and Organization

IC 4-37-3-1

Board; members; criteria

Sec. 1. The corporation is governed by a board of trustees that consists of the following members:

(1) Thirteen (13) persons appointed by the governor who are voting members. The governor's appointments must meet the following criteria:

(A) Each member must be a resident of Indiana.

(B) Not more than two (2) members may reside in the same county.

(C) At least one (1) member must be a recognized supporter of historic sites.

(D) Not more than seven (7) members may be from the same political party.

(2) Twelve (12) persons appointed by the board who are voting members. The board's appointments must meet the following criteria:

(A) Each member must be a resident of Indiana.

(B) Not more than two (2) members may reside in the same county.

(C) At least one (1) member must be a recognized supporter of historic sites.

(D) Not more than six (6) members may be from the same political party.

(3) The following persons serve as nonvoting members of the board:

(A) The chief executive officer.

(B) The governor or the governor's designee.

(C) One (1) member of the house of representatives appointed by the chairman of the legislative council.

(D) One (1) member of the senate appointed by the chairman of the legislative council.

(E) The director of the department of natural resources or the director's designee.

The members appointed under clauses (C) and (D) must be from different political parties and serve at the pleasure of the chairman of the legislative council.

As added by P.L.167-2011, SEC.1.

IC 4-37-3-2

Term; reappointment; vacancy

Sec. 2. (a) The members appointed in section 1 of this chapter:

(1) begin their terms July 1;

(2) shall serve for terms of three (3) years; and

(3) may be reappointed or replaced by the appointing authority,

but may not serve more than three (3) consecutive terms.

(b) A member appointed under this section to fill a vacancy shall fill the vacancy for the remainder of the unexpired term.

(c) Each member shall continue to serve until the member's successor is appointed and qualified.

As added by P.L.167-2011, SEC.1.

IC 4-37-3-3

Chair; board officers

Sec. 3. (a) The governor shall appoint the chair of the board, who shall serve for a one (1) year term or until the governor appoints a successor.

(b) The board shall elect a vice chair, secretary, and treasurer for a term of two (2) years each.

As added by P.L.167-2011, SEC.1.

IC 4-37-3-4

Quorum; procedures

Sec. 4. (a) A majority of the current members serving on the board constitutes a quorum.

(b) The board shall adopt bylaws establishing procedures for the board.

As added by P.L.167-2011, SEC.1. Amended by P.L.125-2016, SEC.1.

IC 4-37-3-5

Board liability

Sec. 5. Board members are not liable in an individual capacity for any act done or omitted in connection with the performance of duties under this article. This section does not apply to an act or omission that constitutes gross negligence or willful misconduct.

As added by P.L.167-2011, SEC.1.

IC 4-37-3-6

Per diem; expenses

Sec. 6. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and for other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

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

Indiana department of administration and approved by the budget agency.

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

As added by P.L.167-2011, SEC.1.

IC 4-37-4

Chapter 4. General Powers, Duties, and Exemptions

IC 4-37-4-1

Title to property

Sec. 1. The title to the following shall be held in the name of the state of Indiana:

(1) Property constituting the state museums, except to the extent that the property is subject to a use and occupancy agreement between the Indiana finance authority and the Indiana department of administration.

(2) Property acquired by the board.

As added by P.L.167-2011, SEC.1.

IC 4-37-4-2

Duties

Sec. 2. The board shall do the following:

(1) Operate and administer the state museums.

(2) Maintain accreditation of the state museums.

(3) Collect, preserve, display, and interpret artifacts and materials reflecting the cultural and natural history of Indiana.

(4) Prepare and maintain a statewide inventory of the artifacts and materials described in subdivision (3).

(5) Uphold the highest professional and ethical standards, as adopted by the American Association of Museums.

As added by P.L.167-2011, SEC.1.

IC 4-37-4-3

Authorized powers

Sec. 3. The board may do the following:

(1) Do any and all acts and things necessary, proper, or convenient to carry out this article.

(2) Hold meetings under IC 5-14-1.5 at the times and places in Indiana that are prescribed by the board's bylaws.

(3) Adopt an official seal.

(4) Adopt bylaws.

(5) Make and execute contracts and other instruments necessary or convenient to the exercise of the board's powers.

(6) Acquire by grant, purchase, gift, devise, or lease or otherwise and hold, use, sell, lease, manage, operate, clear, improve, encumber, transfer, convey, exchange, or dispose of the following:

(A) Real and personal property and any interest in real or personal property.

(B) Facilities.

(C) Money or stocks.

(D) Any right or interest necessary or useful for carrying out the board's powers and duties under this article.

(7) Procure insurance against any loss in connection with the board's operations.
(8) Enter into contractual or other arrangements with the Indiana department of administration in connection with the financing of the state museums under IC 4-13.5.
(9) Notwithstanding IC 4-13.5-4-5, allocate space in museums financed by the Indiana finance authority under IC 4-13.5.
(10) Fix and collect rents, admission charges, fees, tolls, and other user charges for:
(A) the state museums;
(B) restaurants;
(C) other facilities; and
(D) programs, lectures, classes, tours, and trips.
(11) Maintain shops and restaurants on property that the board manages and at other locations and employ or contract with persons to manage the shops and restaurants.
(12) Make or sell the following:
(A) Pictures, models, books, and other representations of the museum and its artifacts and exhibits.
(B) Souvenirs, crafts, art, videotapes, digital video discs, and other merchandise.
(13) Pay royalties, license fees, or charges for exhibits, artifacts, artwork, or materials.
(14) Own copyrights, trademarks, and service marks and enforce the board's rights with respect to ownership.
(15) Conduct market research concerning the state museums.
(16) Adopt rules under IC 4-22-2 to carry out the purposes of this article.

As added by P.L.167-2011, SEC.1.

IC 4-37-4-4
Historic property; acceptance; disposition

Sec. 4. (a) The board may accept or refuse to accept an offered gift of historic property to be administered by the board.

(b) Notwithstanding IC 4-20.5-7 and IC 5-22-22, the board may improve, encumber, sell, lease, transfer, convey, or exchange historic property administered by the board.

(c) Notwithstanding IC 5-22-22, the board may, in accordance with the board's policies, sell, donate, or exchange artifacts in the state museums' collections to or with other public or nonprofit museums or historical societies.

(d) The board may by rule establish a procedure for evaluating the merits of proposals to:
(1) accept gifts of;
(2) sell;
(3) encumber;
(4) transfer;
(5) convey; or

(6) exchange;

artifacts or historic property.

(e) The board may donate or make short term loans of artifacts in the museums' collections to other:

(1) public or nonprofit museums; or

(2) historical societies.

As added by P.L.167-2011, SEC.1. Amended by P.L.166-2013, SEC.4.

IC 4-37-4-5

Property tax exemption

Sec. 5. The board is not required to pay any taxes or assessments upon any property acquired or used by the board under this article, or upon the income from the property.

As added by P.L.167-2011, SEC.1.

IC 4-37-4-6

Gross sales tax exemption

Sec. 6. The board is exempt under IC 6-2.5-5-16 from the state gross retail tax for transactions involving tangible personal property, public utility commodities, and public utility service.

As added by P.L.167-2011, SEC.1.

IC 4-37-4-7

Advance payment and procurement exemption

Sec. 7. The board is exempt from the following:

(1) The requirements of IC 4-13-2-20 prohibiting payment in advance.

(2) The procurement requirements under IC 5-22.

As added by P.L.167-2011, SEC.1.

IC 4-37-4-8

Chief executive officer evaluation; dismissal

Sec. 8. (a) The board shall annually evaluate the performance of the chief executive officer.

(b) Subject to approval by the governor, the board may dismiss the chief executive officer.

As added by P.L.167-2011, SEC.1.

IC 4-37-5
Chapter 5. Personnel Matters

IC 4-37-5-1
Corporation employees not state employees
Sec. 1. Employees of the corporation are not employees of the state.
As added by P.L.167-2011, SEC.1.

IC 4-37-5-2
Board duties
Sec. 2. The board shall do the following:
(1) Establish policies for the governance and management of the staffs of the state museums.
(2) Establish the rights and duties of corporation employees, including a pay scale and benefit package.
(3) Employ or contract with consultants, attorneys, or other persons as are required in the judgment of the board and pay compensation from funds available to the board.
As added by P.L.167-2011, SEC.1.

IC 4-37-5-3
Personnel system
Sec. 3. The board may develop a separate personnel system for employees of the corporation. The system may establish the rights, privileges, powers, and duties of the corporation employees, including pay scale and benefit package. If the board does not develop and adopt a personnel system, the employees of the corporation are subject to the state personnel system under IC 4-15-2.2. If the board does adopt a separate personnel system, the rules should mirror the state personnel rules as closely as possible.
As added by P.L.167-2011, SEC.1. Amended by P.L.6-2012, SEC.24.

IC 4-37-5-4
Retirement fund; insurance; benefit plans
Sec. 4. (a) The board shall adopt a resolution providing that the corporation's employees who are eligible to participate in the public employees' retirement fund under the eligibility requirements set forth in IC 5-10.2 and IC 5-10.3 shall participate in the fund.
(b) The board shall adopt a resolution to allow the corporation's employees to participate in group insurance and other benefit plans, including the state employees' deferred compensation plan, that are available to state employees.
As added by P.L.167-2011, SEC.1.

IC 4-37-5-5
Board's oversight of chief executive officer; chief executive officer responsibilities

Sec. 5. (a) The board may hire, fix the compensation of, review the performance of, and dismiss, subject to the governor's approval, a chief executive officer who:

(1) is the director of state museums;

(2) is the chief administrative officer of the corporation; and

(3) supervises and directs the work of the state museums' staffs and contractors.

(b) The chief executive officer may hire, fix the compensation of, review the performance of, and dismiss employees of the corporation.

As added by P.L.167-2011, SEC.1.

IC 4-37-5-6

Ethics rules and requirements

Sec. 6. The board and the employees of the corporation are:

(1) under the jurisdiction of and rules adopted by the state ethics commission; and

(2) subject to ethics rules and requirements that apply to the executive branch of state government.

However, the board may adopt additional ethics rules and requirements that are more stringent than those adopted by the state ethics commission.

As added by P.L.167-2011, SEC.1.

IC 4-37-5-7

Professional development

Sec. 7. The board may assist in the professional development of the museums' staffs.

As added by P.L.167-2011, SEC.1.

IC 4-37-6
Chapter 6. Budget, Finance, and Planning

IC 4-37-6-1
Presentation of budget

Sec. 1. (a) The chief executive officer shall annually present to the board the needs and requests of the corporation and a proposed budget.

(b) The chief executive officer shall present the proposed biennial and board approved annual budget of the corporation to the governor. The proposed budget is subject to IC 4-12-1 if the proposed budget includes funding to be appropriated from the state general fund.

As added by P.L.167-2011, SEC.1.

IC 4-37-6-2
Qualifying museum for aid

Sec. 2. The board may qualify the museum for federal and other aid to preserve historic property, materials, items, and memorials.

As added by P.L.167-2011, SEC.1.

IC 4-37-7

Chapter 7. State Museum and Historic Sites Development Fund

IC 4-37-7-1

Fund established

Sec. 1. The state museum and historic sites development fund is established. The corporation or an entity designated by the board shall administer the fund.

As added by P.L.167-2011, SEC.1.

IC 4-37-7-2

Investments

Sec. 2. The corporation may invest the money in the fund not currently needed to meet the obligations of the fund in a manner consistent with IC 5-13-10. Interest earned on the investments shall be deposited in the corporation's funds.

As added by P.L.167-2011, SEC.1.

IC 4-37-7-3

Expenses

Sec. 3. The expenses of administering the fund shall be paid from the fund.

As added by P.L.167-2011, SEC.1.

IC 4-37-7-4

Purposes

Sec. 4. The corporation may spend the money in the fund for any purpose of the corporation that complies with this article, including the acquisition of real property and historical artifacts and specimens, construction of facilities, and betterments and improvements at historic sites.

As added by P.L.167-2011, SEC.1.

IC 4-37-7-5

Deposits

Sec. 5. Except as provided in section 8 of this chapter, the following shall be deposited in the fund:

(1) Proceeds from admission and user fees.

(2) Sales at museum shops.

(3) Facility rentals.

(4) Restaurant sales.

(5) Any other income generated by the state museums.

(6) Gifts of money or the proceeds from the sale of gifts donated to the state museums.

As added by P.L.167-2011, SEC.1.

IC 4-37-7-6

Income appropriated

Sec. 6. (a) All earned income accruing to the fund is appropriated continuously for purposes of this article.

(b) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.167-2011, SEC.1.

IC 4-37-7-7

Annual report

Sec. 7. The chief executive officer shall report annually to the board and the budget committee on the activities, revenues, expenditures, and profits of the museums' shops, facility rentals, and restaurants.

As added by P.L.167-2011, SEC.1.

IC 4-37-7-8

Memorandum of understanding with organizations at historic sites

Sec. 8. The chief executive officer of the corporation may enter into a memorandum of understanding with one (1) or more nonprofit organizations that are recognized supporters of a specific state historic site and are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The memorandum of understanding may provide that the nonprofit organization or organizations may maintain a gift shop and offer special events at the state historic site.

As added by P.L.167-2011, SEC.1.

IC 4-37-7-9

Memorandum of understanding with state agencies

Sec. 9. The chief executive officer of the corporation shall enter into:

(1) a memorandum of understanding with the Indiana department of transportation providing for the Indiana department of transportation to maintain historical services provided to the various state historic sites;

(2) a memorandum of understanding with the department of correction providing for the department of correction to provide assistance in maintaining a state historic site; and

(3) a memorandum of understanding with the department of natural resources providing for the department of natural resources to provide:

(A) assistance or services to repair or clean up a state historic site if a natural disaster or severe weather (as defined in IC 36-8-21.5-7) has occurred; and

(B) assistance providing equipment to the state historic sites for special events.

As added by P.L.167-2011, SEC.1.

IC 4-37-8

Chapter 8. Indiana State Museum Foundation

IC 4-37-8-1

Foundation authorized

Sec. 1. The board may designate, by adopting a resolution, an existing nonprofit corporation or establish a nonprofit subsidiary corporation, known as or to be known as the Indiana state museum foundation, that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to solicit and accept private funding, gifts, donations, bequests, devises, and contributions.

As added by P.L.167-2011, SEC.1. Amended by P.L.166-2013, SEC.5.

IC 4-37-8-2

Use of money

Sec. 2. The foundation:

(1) shall use money received under section 1 of this chapter to carry out in any manner the purposes and programs under this article; and

(2) may deposit money received under section 1 of this chapter in an account or fund that is:

(A) administered by the foundation; and

(B) not part of the state treasury.

As added by P.L.167-2011, SEC.1.

IC 4-37-8-3

Governance of foundation

Sec. 3. The foundation is governed by a board of directors. The directors are the members of the board.

As added by P.L.167-2011, SEC.1.

IC 4-37-8-4

Administrative support

Sec. 4. Employees of the corporation shall provide administrative support for the foundation.

As added by P.L.167-2011, SEC.1.

IC 4-37-8-5

Audit

Sec. 5. The foundation is subject to compliance audits by the state board of accounts.

As added by P.L.167-2011, SEC.1. Amended by P.L.166-2013, SEC.6; P.L.181-2015, SEC.8.

IC 4-37-9

Chapter 9. Governor Frank O'Bannon Great Hall

IC 4-37-9-1

Governor Frank O'Bannon Great Hall

Sec. 1. The museum's great hall shall be known as the "Governor Frank O'Bannon Great Hall".

As added by P.L.167-2011, SEC.1.

IC 4-37-9-2

Signage; plaque

Sec. 2. The chief executive officer of the museum shall install and maintain the following:

(1) Appropriate public signage on and around the museum that displays the name of the great hall.

(2) A plaque located at an appropriate spot in the museum describing the highlights of the life and career of Governor Frank O'Bannon.

As added by P.L.167-2011, SEC.1.